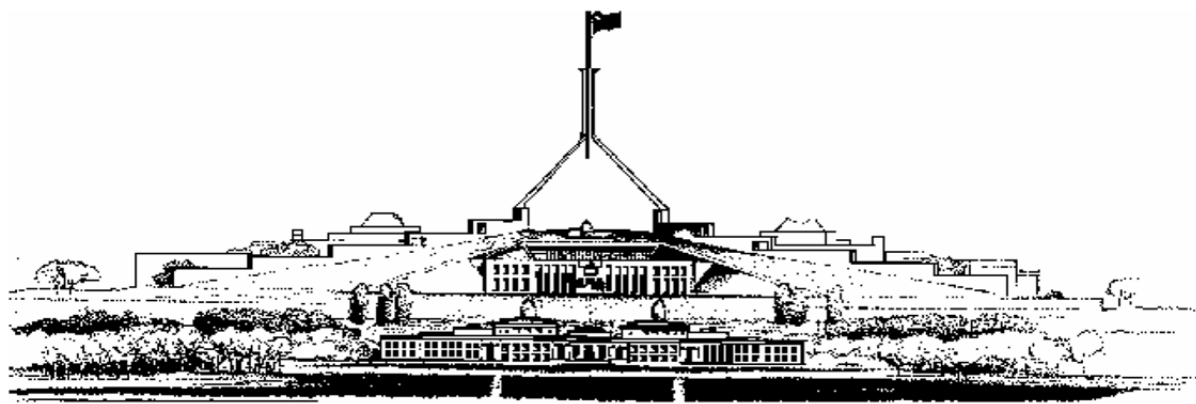




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 158, 1987

Thursday, 26 November 1987

THIRTY-FIFTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

THIRTY-FIFTH PARLIAMENT

FIRST SESSION—FIRST PERIOD

Governor-General

His Excellency the Right Honourable Sir Ninian Martin Stephen, a Member of Her Majesty's Most Honourable Privy Council, Knight of the Order of Australia, Knight Grand Cross of the Most Distinguished Order of St Michael and St George, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Excellent Order of the British Empire, Governor-General of the Commonwealth of Australia and Commander-in-Chief of the Defence Force.

House of Representatives Officeholders

Speaker—The Honourable Joan Child

Chairman of Committees—Mr Leo Boyce McLeay

Deputy Chairmen of Committees—Mr Cecil Allen Blanchard,

Mr David Bruce Cowan, Mrs Elaine Elizabeth Darling,

the Honourable James Donald Mathieson Dobie, Mr Ronald Frederick Edwards,

Mr John Barry Mildren, Mr Percival Clarence Millar,

Mr John Graham Mountford, Mr Allen Charles Rocher and Mr Philip Maxwell Ruddock

Leader of the House—The Honourable Michael Jerome Young

Leader of the Opposition—The Honourable John Winston Howard

Deputy Leader of the Opposition—The Honourable Andrew Sharp Peacock

Manager of Opposition Business—The Honourable Wallace Clyde Fife

House of Representatives Party Leaders

Leader of the Australian Labor Party—The Honourable Robert James Lee Hawke, AC

Deputy Leader of the Australian Labor Party—The Honourable Lionel Frost Bowen

Leader of the Liberal Party of Australia—The Honourable John Winston Howard

Deputy Leader of the Liberal Party of Australia—The Honourable Andrew Sharp Peacock

Leader of the National Party of Australia—The Right Honourable Ian McCahon Sinclair

Deputy Leader of the National Party of Australia—Mr Bruce Lloyd

Members of the House of Representatives

Member	Division	Party	Member	Division	Party
Adermann, Hon. Albert Evan	Fairfax, Qld	NP	Gear, George	Canning, WA	ALP
Aldred, Kenneth James	Bruce, Vic.	LP	Goodluck, Bruce John	Franklin, Tas.	LP
Andrew, John Neil	Wakefield, SA	LP	Gorman, Russell Neville	Greenway, NSW	ALP
Baldwin, Peter Jeremy	Sydney, NSW	ALP	Joseph		
Beale, Julian Howard	Deakin, Vic.	LP	Grace, Edward Laurence	Fowler, NSW	ALP
Beazley, Hon. Kim Christian	Swan, WA	ALP	Griffiths, Alan Gordon	Maribyrnong, Vic.	ALP
Beddall, David Peter	Rankin, Qld	ALP	Hall, Raymond Steele	Boothby, SA	LP
Bilney, Gordon Neil	Kingston, SA	ALP	Halverson, Robert George,	Casey, Vic.	LP
Blanchard, Cecil Allen	Moore, WA	ALP	OBE		
Blewett, Hon. Neal	Bonython, SA	ALP	Hand, Hon. Gerard Leslie	Melbourne, Vic.	ALP
Blunt, Charles William	Richmond, NSW	NP	Harvey, Elizabeth Robyn	Hawker, SA	ALP
Bowen, Hon. Lionel Frost	Kingsford-Smith, NSW	ALP	Hawke, Hon. Robert James	Wills, Vic.	ALP
			Lee, AC		
Braithwaite, Raymond Allen	Dawson, Qld	NP	Hawker, David Peter	Wannon, Vic.	LP
Brown, Hon. John Joseph	Parramatta, NSW	ALP	Maxwell		
Brown, Hon. Neil Anthony,	Menzies, Vic.	LP	Hayden, Hon. William	Oxley, Qld	ALP
QC			George		
Brown, Robert James	Charlton, NSW	ALP	Hewson, Dr John Robert	Wentworth, NSW	LP
Brumby, John Mansfield	Bendigo, Vic.	ALP	Hicks, Noel Jeffrey	Riverina-Darling, NSW	NP
Burr, Maxwell Arthur	Lyons, Tas.	LP			
Cadman, Alan Glyndwr	Mitchell, NSW	LP	Holding, Hon. Allan Clyde	Melbourne Ports, Vic.	ALP
Cameron, Donald Milner	Moreton, Qld	LP			
Cameron, Ewen Colin	Indi, Vic.	LP	Hollis, Colin	Throsby, NSW	ALP
Cameron, Ian Milne Dixon	Maranoa, Qld	NP	Howard, Hon. John Winston	Bennelong, NSW	LP
Campbell, Graeme	Kalgoorlie, WA	ALP	Howe, Hon. Brian Leslie	Batman, Vic.	ALP
Carlton, Hon. James Joseph	Mackellar, NSW	LP	Humphreys, Hon. Benjamin	Griffith, Qld	ALP
Charles, David Ernest	Isaacs, Vic.	ALP	Charles		
Charlesworth, Dr Richard Ian	Perth, WA	ALP	Hunt, Hon. Ralph James	Gwydir, NSW	NP
Child, Hon. Joan	Henty, Vic.	ALP	Dunnet		
Chynoweth, Robert Leslie	Dunkley, Vic.	ALP	Hurford, Hon. Christopher	Adelaide, SA	ALP
Cleeland, Peter Robert	McEwen, Vic.	ALP	John		
Cobb, Michael Roy	Parkes, NSW	NP	Jakobsen, Carolyn Anne	Cowan, WA	ALP
Cohen, Hon. Barry	Robertson, NSW	ALP	Jenkins, Henry Alfred	Scullin, Vic.	ALP
Connolly, David Miles	Bradfield, NSW	LP	Johns, Gary Thomas	Petrie, Qld	ALP
Courtice, Brian William	Hinkler, Qld	ALP	Jones, Hon. Barry Owen	Lalor, Vic.	ALP
Cowan, David Bruce	Lyne, NSW	NP	Jull, David Francis	Fadden, Qld	LP
Crawford, Mary Catherine	Forde, Qld	ALP	Katter, Hon. Robert Cummin	Kennedy, Qld	NP
Cross, Manfred Douglas	Brisbane, Qld	ALP	Keating, Hon. Paul John	Blaxland, NSW	ALP
Cunningham, Barry Thomas	McMillan, Vic.	ALP	Kelly, Hon. Roslyn Joan	Canberra, ACT	ALP
Darling, Elaine Elizabeth	Lilley, Qld	ALP	Kent, Lewis	Hotham, Vic.	ALP
Dawkins, Hon. John Sydney	Fremantle, WA	ALP	Kerin, Hon. John Charles	Werriwa, NSW	ALP
Dobie, Hon. James Donald	Cook, NSW	LP	Kerr, Duncan James	Denison, Tas.	ALP
Mathieson			Klugman, Dr Richard	Prospect, NSW	ALP
Downer, Alexander John	Mayo, SA	LP	Emanuel		
Gosse			Lamb, Anthony Hamilton	Streeton, Vic.	ALP
Dubois, Stephen Cairfield	St George, NSW	ALP	Langmore, John Vance	Fraser, ACT	ALP
Duffy, Hon. Michael John	Holt, Vic.	ALP	Lavarch, Michael Hugh	Fisher, Qld	ALP
Duncan, Hon. Peter	Makin, SA	ALP	Lee, Michael John	Dobell, NSW	ALP
Edwards, Dr Harold	Berowra, NSW	LP	Lindsay, Eamon John, RFD	Herbert, Qld	ALP
Raymond			Lloyd, Bruce	Murray, Vic.	NP
Edwards, Ronald Frederick	Stirling, WA	ALP	McArthur, Fergus Stewart	Corangamite, Vic.	LP
Fatin, Wendy Frances	Brand, WA	ALP	McGauran, Peter John	Gippsland, Vic.	NP
Fife, Hon. Wallace Clyde	Hume, NSW	LP	McHugh, Jeannette	Phillip, NSW	ALP
Fischer, Timothy Andrew	Farrer, NSW	NP	MacKellar, Hon. Michael	Warringah, NSW	LP
Fisher, Peter Stanley	Mallee, Vic.	NP	John Randal		
Fitzgibbon, Eric John	Hunter, NSW	ALP	McLeay, Leo Boyce	Grayndler, NSW	ALP
Free, Ross Vincent	Lindsay, NSW	ALP	McVeigh, Hon. Daniel	Groom, Qld	NP
Gayler, John	Leichhardt, Qld	ALP	Thomas		

Members of the House of Representatives—*continued*

Member	Division	Party	Member	Division	Party
Macphee, Hon. Ian Malcolm	Goldstein, Vic.	LP	Sharp, John Randall	Gilmore, NSW	NP
Martin, Stephen Paul	Macarthur, NSW	ALP	Shipton, Roger Francis	Higgins, Vic.	LP
Mildren, John Barry	Ballarat, Vic.	ALP	Simmons, David William	Calare, NSW	ALP
Miles, Christopher Gordon	Braddon, Tas.	LP	Sinclair, Rt Hon. Ian	New England, NSW	NP
Millar, Percival Clarence	Wide Bay, Qld	NP	McCahon		
Milton, Peter	La Trobe, Vic.	ALP	Smith, Warwick Leslie	Bass, Tas.	LP
Moore, Hon. John Colinton	Ryan, Qld	LP	Snow, James Henry	Eden-Monaro, NSW	ALP
Morris, Allan Agapitos	Newcastle, NSW	ALP	Snowdon, Warren Edward	Northern Territory	ALP
Morris, Hon. Peter Frederick	Shortland, NSW	ALP	Spender, John Michael, QC	North Sydney, NSW	LP
Mountford, John Graham	Banks, NSW	ALP	Staples, Hon. Peter Richard	Jagajaga, Vic.	ALP
Nehl, Garry Barr	Cowper, NSW	NP	Sullivan, Kathryn Jean	Moncrieff, Qld	LP
O'Keefe, Neil Patrick	Burke, Vic.	ALP	Theophanous, Dr Andrew	Calwell, Vic.	ALP
O'Neil, Lloyd Reginald	Grey, SA	ALP	Charles		
Terrance			Tickner, Robert Edward	Hughes, NSW	ALP
Peacock, Hon. Andrew Sharp	Kooyong, Vic.	LP	Tuckey, Charles Wilson	O'Connor, WA	LP
Porter, James Robert	Barker, SA	LP	Uren, Hon. Thomas	Reid, NSW	ALP
Price, Leo Roger Spurway	Chifley, NSW	ALP	Webster, Alasdair Paine	Macquarie, NSW	LP
Prosser, Geoffrey Daniel	Forrest, WA	LP	West, Hon. Stewart John	Cunningham, NSW	ALP
Punch, Gary Francis	Barton, NSW	ALP	White, Peter Nicholson	McPherson, Qld	LP
Reith, Peter Keaston	Flinders, Vic.	LP	Duckett, MC		
Robinson, Hon. Ian Louis	Page, NSW	NP	Willis, Hon. Ralph	Gellibrand, Vic.	ALP
Rocher, Allan Charles	Curtin, WA	LP	Wilson, Hon. Ian Bonython	Sturt, SA	LP
Ruddock, Philip Maxwell	Dundas, NSW	LP	Cameron		
Saunderson, John	Aston, Vic.	ALP	Woods, Dr Robert Leslie	Lowe, NSW	LP
Scholes, Hon. Gordon Glen	Corio, Vic.	ALP	Wooldridge, Dr Michael	Chisholm, Vic.	LP
Denton			Richard Lewis		
Sciacca, Con	Bowman, Qld	ALP	Wright, Keith Webb	Capricornia, Qld	ALP
Scott, John Lyden	Hindmarsh, SA	ALP	Young, Hon. Michael Jerome	Port Adelaide, SA	ALP
Shack, Peter Donald	Tangney, WA	LP			

PARTY ABBREVIATIONS

ALP—Australian Labor Party; LP—Liberal Party of Australia; NP—National Party of Australia

Third Hawke Ministry

*Prime Minister	The Honourable Robert James Lee Hawke, AC
*Deputy Prime Minister, Attorney-General and Minister Assisting the Prime Minister for Commonwealth-State Relations	The Honourable Lionel Frost Bowen
*Leader of the Government in the Senate and Minister for Industry, Technology and Commerce	Senator the Honourable John Norman Button
*Deputy Leader of the Government in the Senate, Manager of Government Business in the Senate and Minister for Transport and Communications	Senator the Honourable Gareth John Evans, QC
*Treasurer	The Honourable Paul John Keating
*Minister for Immigration, Local Government and Ethnic Affairs, Vice-President of the Executive Council, Leader of the House and Minister Assisting the Prime Minister for Multicultural Affairs	The Honourable Michael Jerome Young
*Minister for Finance	Senator the Honourable Peter Alexander Walsh
*Minister for Foreign Affairs and Trade	The Honourable William George Hayden
*Minister for Industrial Relations and Minister Assisting the Prime Minister for Public Service Matters	The Honourable Ralph Willis
*Minister for Employment, Education and Training	The Honourable John Sydney Dawkins
*Minister for Defence	The Honourable Kim Christian Beazley
*Minister for Primary Industries and Energy	The Honourable John Charles Kerin
*Minister for Social Security	The Honourable Brian Leslie Howe
*Minister for Administrative Services	The Honourable John Stewart West
*Minister for the Arts, Sport, the Environment, Tourism and Territories	The Honourable John Joseph Brown
*Minister for Community Services and Health	The Honourable Neal Blewett
*Special Minister of State, Minister Assisting the Prime Minister for the Status of Women and for the Bicentenary and Minister Assisting the Minister for Community Services and Health	Senator the Honourable Susan Maree Ryan
Minister for Trade Negotiations, Minister Assisting the Minister for Industry, Technology and Commerce and Minister Assisting the Minister for Primary Industries and Energy	The Honourable Michael John Duffy
Minister for Resources	The Honourable Peter Frederick Morris
Minister for Employment Services and Youth Affairs and Minister Assisting the Treasurer	The Honourable Allan Clyde Holding
Minister for Justice	Senator the Honourable Michael Carter Tate
Minister for Science and Small Business	The Honourable Barry Owen Jones
Minister for Veterans' Affairs	The Honourable Benjamin Charles Humphreys
Minister for the Environment and the Arts	Senator the Honourable Graham Frederick Richardson
Minister for Aboriginal Affairs	The Honourable Gerard Leslie Hand
Minister for Home Affairs and Deputy Manager of Government Business in the Senate	Senator the Honourable Robert Francis Ray
Minister for Consumer Affairs and Minister Assisting the Treasurer for Prices	The Honourable Peter Richard Staples
Minister for Land Transport and Infrastructure Support	The Honourable Peter Duncan
Minister for Defence Science and Personnel	The Honourable Roslyn Joan Kelly
Minister for Local Government	Senator the Honourable Margaret Reynolds
*Minister in the Cabinet	

THE COMMITTEES OF THE SESSION

FIRST SESSION: FIRST PERIOD

STANDING COMMITTEES

ABORIGINAL AFFAIRS—Mr Blanchard (*Chairman*), Mr Andrew, Mr I. M. D. Cameron, Mr Campbell, Mr Connolly, Mr Cross, Mr Gayler, Mr Hollis (*to 28 October*), Mr Miles, Mr Snowden and Mr Tickner (*from 28 October*).

COMMUNITY AFFAIRS—Mr O'Keefe (*Chairman*), Mr Blunt, Mr Cadman, Mr Connolly, Mr Cowan (*to 28 October*), Mr Dubois, Ms Fatin, Mrs Harvey, Mr Johns, Mr Katter (*from 28 October*), Ms McHugh, Mr Sciacca and Mr Wilson.

EMPLOYMENT, EDUCATION AND TRAINING—Mr Brumby (*Chairman*), Ms Fatin, Mr Free, Mr Gear, Ms Jakobsen, Mr McVeigh, Mr Mildren, Mr Price, Mr Prosser, Mr Robinson, Mrs Sullivan and Dr Woods.

ENVIRONMENT, RECREATION AND THE ARTS—Mr Milton (*Chairman*), Dr Charlesworth, Mr Chynoweth, Mr Dobie, Mr R. F. Edwards, Mr P. S. Fisher, Mr Jenkins, Mr Lamb, Ms McHugh, Mr MacKellar, Mr Sharp and Mr Webster.

FINANCE AND PUBLIC ADMINISTRATION—Mr Martin (*Chairman*), Mr Braithwaite, Dr Charlesworth, Mr Cobb, Mr Courtice, Mr Gear, Dr Hewson, Mr Jenkins, Mr McArthur, Mr Saunderson, Mr Simmons and Mr Wilson.

HOUSE—Madam Speaker, Mr Goodluck, Mr Hollis, Mr Katter, Mr Martin, Mr Price and Mrs Sullivan.

INDUSTRY, SCIENCE AND TECHNOLOGY—Mr Beddall (*Chairman*), Mr Baldwin, Mr Cunningham, Mr Grace, Mr Hawker, Mr Hunt, Mr Lloyd, Mr McArthur, Mr Mildren, Mr A. A. Morris, Dr Theophanous and Dr Wooldridge.

LEGAL AND CONSTITUTIONAL AFFAIRS—Mr Griffiths (*Chairman*), Mr Adermann, Mr Charles, Mr Cleeland, Mr Johns, Mr Kerr, Mr McGauran, Mr Moore, Mr Reith, Mr Ruddock, Mr Scholes and Mr Tickner.

LIBRARY—Madam Speaker, Mr Cross, Ms Jakobsen, Mr McVeigh, Mr Smith, Dr Wooldridge and Mr Wright.

MEMBERS' INTERESTS—Dr Klugman (*Chairman*), Mr Adermann, Mr D. M. Cameron, Mr Kent, Mr Lindsay, Mr Ruddock and Mr Scott.

PRIVILEGES—Mr Gear (*Chairman*), the Leader of the House or his nominee, the Deputy Leader of the Opposition or his nominee, Mr N. A. Brown, Mr D. M. Cameron, Mr Campbell, Mr Cleeland, Mr Kerr, Mr Millar, Mr Reith and Mr Tickner.

PROCEDURE—Mr Mountford (*Chairman*), Mr D. M. Cameron, Mr E. C. Cameron, Mr R. F. Edwards, Mr Lamb, Mr Lindsay, Mr Millar and Mr Scholes.

PUBLICATIONS—Mr Jenkins (*Chairman*), Mr Blanchard, Mr Brumby, Dr H. R. Edwards, Mr McLeay, Mr Nehl and Dr Woods.

SELECTION COMMITTEE—(Members to be appointed).

TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—Mr Saunderson (*Chairman*), Mr Blunt, Mr N. A. Brown, Mr Downer, Mr T. A. Fischer, Mr Gorman, Mr Halverson, Mr Hollis (*from 28 October*), Ms Jakobsen (*to 28 October*), Mr Langmore, Mr McLeay, Mr O'Neil and Mr Scott (Mr Snow to serve on committee during consideration of any inquiry into proposals for modification or variation of the plan of layout of the city of Canberra and its environs).

JOINT STATUTORY COMMITTEES

BROADCASTING OF PARLIAMENTARY PROCEEDINGS—Madam Speaker (*Chairman*), the President, Senators Michael Baume and Childs, and Mr R. F. Edwards, Mrs Harvey, Mr Hicks, Mr Jull and Mr Scott.

NATIONAL CRIME AUTHORITY—Mr Cleeland (*Chairman*), Senators Alston, Bolkus, Hill, Jones and Macklin, and Mr Dubois, Mr MacKellar, Mr McGauran and Mr O'Keefe.

PUBLIC ACCOUNTS—Mr Tickner (*Chairman*), Senators Bishop, Gietzelt, Giles, McKiernan and Watson, and Mr Aldred, Mr R. J. Brown (*from 28 October*), Mr Fitzgibbon, Dr Hewson, Mr Lee, Mr Martin, Mr Nehl, Mr Ruddock and Mr Scholes.

PUBLIC WORKS—Mr Hollis (*Chairman*), Senators Burns, Devereux and Sheil, and Mr Burr, Mr Gear, Mr Halverson, Mr Millar and Mr Mountford.

JOINT COMMITTEES

ELECTORAL MATTERS—Mr Lee (*Chairman*), Senators Beahan, Coulter, Harradine, Schacht and Short, and Mr Blunt, Ms Jakobsen, Mr Punch and Mr Shack.

FOREIGN AFFAIRS, DEFENCE AND TRADE—Mr Bilney (*Chairman*), Senators Bolkus, Crichton-Browne, Hill, Jones, MacGibbon, Macklin, Maguire, Morris, Schacht, Tambling and Vallentine, and Mr Baldwin, Mr Campbell, Mr Charles, Mr Cross, Mr Halverson, Mr Hicks, Mr Jull, Mr Katter, Mr Kent, Dr Klugman, Mr Langmore, Mr Lindsay, Mr MacKellar, Mr Nehl, Mr Ruddock, Mr Scott, Mr Shipton and Dr Theophanous.

NEW PARLIAMENTARY HOUSE—The President and Madam Speaker (*Joint Chairmen*), the Minister for Administrative Services, Senators Michael Baume, Colston, Devlin, MacGibbon, Reid and Schacht, and Mr Dobie, Mr Dubois, Mr Hunt, Mr Lee, Mr McLeay and Mrs Sullivan.

JOINT SELECT COMMITTEE

VIDEO MATERIAL—Dr Klugman (*Chairman*), Senators Collins, Harradine, Jenkins, Walters and Zakharov, and Mr Adermann, Mr Charles, Ms Crawford, Ms Jakobsen and Mr Jull.

PARLIAMENTARY DEPARTMENTS

SENATE

Clerk of the Senate—A. R. Cumming Thom
Deputy Clerk of the Senate—H. Evans
Clerk-Assistant (Committees)—A. Lynch
Clerk-Assistant (Table)—P. N. Murdoch
Clerk-Assistant (Management)—T. H. G. Wharton
Clerk-Assistant (Procedure)—J. Vander Wyk
Acting Usher of the Black Rod—C. J. C. Elliott

HOUSE OF REPRESENTATIVES

Clerk of the House—A. R. Browning
Deputy Clerk of the House—L. M. Barlin
First Clerk Assistant—I. C. Harris
Clerk Assistant (Procedure)—B. C. Wright
Clerk Assistant (Committees)—J. W. Pender
Clerk Assistant (Table)—I. C. Cochran
Clerk Assistant (Administration)—M. W. Salkeld
Serjeant-at-Arms—B. L. Simons

PARLIAMENTARY REPORTING STAFF

Principal Parliamentary Reporter—J. M. Campbell
Assistant Principal Parliamentary Reporter—B. A. Harris
Leader of Staff (Committees)—K. Shearwood
Leader of Staff (Senate)—M. A. R. McGregor
Leader of Staff (House of Representatives)—K. B. Ryder

LIBRARY

Parliamentary Librarian—H. de S. C. MacLean

JOINT HOUSE

Secretary—M. W. Bolton

Thursday, 26 November 1987

Madam SPEAKER (Hon. Joan Child) took the chair at 10 a.m., and read prayers.

DAYS AND HOURS OF MEETING

Motion (by **Mr Young**) agreed to:

That, unless otherwise ordered, the House shall meet for the despatch of business on the following days and at the times specified:

Monday, 7 December, at 2 p.m.

Tuesday, 8 December, at 2 p.m.

Wednesday, 9 December, at 10 a.m.

Thursday, 10 December, at 10 a.m.

WAR CRIMES AMENDMENT BILL 1987

Second Reading

Debate resumed from 28 October, on motion by **Mr Lionel Bowen**:

That the Bill be now read a second time.

Mr REITH (Flinders) (10.02)—I rise this morning to speak on the War Crimes Amendment Bill which is as important a Bill as this House has debated for many years. It raises issues which affect each and every one of us. It raises issues about the sort of society and people that we are. The debate on these issues does not start and finish today; it will be on the national agenda for some time. A calm, tolerant and sensible debate will hold us all in good stead as we make these important decisions.

Very briefly, the Bill applies to operations in all theatres during World War II. War crimes are defined to include serious crimes such as murder and rape committed in the course of hostilities or occupation, during deportation or internment in death camps and slave labour camps, in the course of political, racial or religious persecution or with intent to destroy wholly or partially a national, ethnic, racial or religious group. Quite rightly, the Bill denies former military personnel the defence of 'superior orders'. Australian citizens and residents will be liable to be prosecuted, thus the Bill provides an alternative to extradition. No distinction is made between whether the person who committed the war crime was in the service of the Allied or Axis forces. War crimes are to be tried on indictment and are punishable in cases involving wilful killing by imprisonment for life and in other cases by imprisonment for up to 25 years. The normal rules of evidence and court procedures are to prevail. However, the collection of evidence in foreign countries will be a controver-

sial matter and I will have something to say on that shortly.

The Bill follows an examination of certain allegations concerning the entry of nazi war criminals to Australia. The *Menzies Review of material relating to the entry of suspected war criminals into Australia* was presented to the Government on 28 November 1986. The major recommendation of the Menzies report was:

The Government make a clear and positive statement to the effect that, as regards serious war crimes, it does not regard the Chapter as closed. (contrary to the Barwick statement in 1961) and that it will take appropriate action under the law to bring to justice persons who have committed serious war crimes found in Australia.

At the same time, the statement should, I suggest, indicate that the Government contemplates no reduction in the standards of justice to be applied in such cases or the safeguards now available under Australian law to persons accused of serious offences. Further, it should be made clear that action would be only taken against individuals where charges were fully supported by evidence, mere allegations would not suffice, that action not be directed against ethnic groups nor should it be construed as in any way a slur on a particular ethnic group.

That was the principal recommendation in the Menzies report. I say as an aside that I think that rather harshly treats Barwick. I have read the Barwick statement and I say that those who are interested in this should go back and also read it, because Barwick's refusal to extradite was in respect of a request from the Russians for extradition.

On the important issue of handling of alleged offences, Menzies contemplated a three-stage approach. The first involved extradition proceedings. On page 155 he said:

Extradition should therefore, in my view, be first looked to as the means of dealing with a particular war criminal.

He also said:

... any request for extradition of an alleged war criminal should ... be subject to the requirement that the requesting State establish a prima facie case.

He also said:

Generally there should be no reduction in safeguards built into existing legislation.

The second approach related to revocation of citizenship and deportation. Menzies said:

... consideration should be given to proceeding by way of revocation of citizenship and deportation in the case of citizens who acquired citizenship less than ten years ago and deportation in the case of non-citizens.

That is essentially the American approach. It is based on proceedings in the civil courts in regard to matters which are primarily of a criminal

nature. It is, quite properly, not an approach favoured by either the Government or the Opposition.

The third approach was by way of amendments to the War Crimes Act 1945. At page 166 Menzies said:

Therefore, it seems to me that amendment of the law with a view to prosecution of these crimes in Australia is a step to be taken only if it appears that very serious war criminals cannot otherwise be brought to justice.

Menzies recommended that the Government establish a small unit in the office of the Director of Public Prosecutions to deal with requests for extradition and, in relation to these cases, to undertake investigations so as to be able to classify them as follows: firstly, cases that should be put aside for lack of evidence or because they are not serious; secondly, cases which could be dealt with under existing extradition arrangements—it was envisaged that the investigation unit could seek the Attorney-General's approval to approach the foreign states to suggest an extradition request; and, thirdly, cases where no relevant extradition arrangement existed, in which event that Government might consider whether to enter into such an arrangement.

Mr Menzies has presented to the Government a list of 70 names of persons in Australia against whom there are allegations as to the commission of crimes of a very serious nature. To this can be added 80 names given to the Minister for Foreign Affairs and Trade (Mr Hayden) and the Prime Minister (Mr Hawke). There are media reports that names have been supplied from other sources so that the list now exceeds 250.

When the Menzies report was tabled, the Opposition's position was set down by my learned colleague and predecessor as the shadow Attorney-General, the honourable member for North Sydney, Mr John Spender, QC. His speech made a number of points which I will address later in my speech. The critical feature of the position he put then was that the Opposition takes the view that time is no barrier against bringing to justice those who have committed serious crimes. He said in February—this is at page 597 of *Hansard*, but I will paraphrase what he said to emphasise his meaning—that, regardless of time, if a case is made, a *prima facie* case, any such individual should answer it.

The starting point must be that time should be no bar to the prosecution of such atrocious crimes against mankind. There is no statute of limitations to bar the prosecution of war criminals, nor should there be, even though some 42 years have passed since the conclusion of World

War II. This Parliament is not alone in coming to this conclusion. Our Canadian friends have also recently grappled with this issue. Obviously, they share common legal traditions with Australia, and I think their views are of relevance. The Canadian House of Commons debated a not dissimilar Bill in August of this year, just a few months ago. From my reading of the Canadian *Hansard*, there appears to have been bipartisan support for the measure. It is worth quoting the Hon. Bob Kaplan, the former Attorney-General, who has been involved in these matters for some time. He is reported as having said on 28 August 1987:

I am not naive enough, as I hope no one is, to think that, with the power man has to commit atrocities like those which were committed in World War II, it will never happen again. I believe it can happen again, but I feel that the measure we have taken today in passing this legislation is one factor which will be borne in mind by those who would commit such atrocities in the future. They will keep in mind that there will be no safe haven in any fair-minded, decent country in the world.

He went on to say:

In passing this legislation, we are sending a strong message about our civilisation. The message is that that type of conduct will not go unpunished. Even 10 years, 20 years, 42 and 43 years later, as it is, a decent country will permit no haven. Canada is now becoming one of those countries, and there are a few of them which are making that statement.

When this Bill is passed, Australia will join Canada in sending a firm, strong message that serious war crimes can never be tolerated. Once one accepts that fundamental proposition, as we did in February 1987 in my colleague's statement, which I reaffirm today, certain things follow as a matter of logic. When tabling the Menzies review on 24 February, the Attorney-General (Mr Lionel Bowen) said, *inter alia*:

The approach preferred by the Government is to conduct war crimes prosecutions in Australia. I would be concerned at the prospect of making special arrangements to extradite persons to countries with markedly different judicial systems.

The Government takes this preferred approach because it assumes that Australia would not extradite to any of the Soviet countries so that, if there is to be a prosecution, it must and can only be in Australia.

The Menzies report says that a big proportion of the alleged crimes were against residents of the Baltic states. Thus, the only course of action open to the Government was to create jurisdiction in Australia and to have trials conducted here. The creation of that jurisdiction is, in my opinion, retrospective. However, this is necessary if the legislation is to have any purpose. The

War Crimes Act 1945 was itself retrospective, as it was not enacted until after the war had been concluded. Menzies takes the view that war crimes are already offences under general international law and that the legislation would merely facilitate trial of these offences. I respectfully agree with that view.

In the end, retrospectivity is a policy issue. In this case, there are competing policy interests, but there is no doubt in my mind and in the minds of members of the Opposition that the policy that criminals must be brought to justice must predominate. Let those who take a different view say which of the two alternatives they advocate—turning a blind eye or extradition to Russia.

Before dealing with the Bill in greater detail I note that, although jurisdiction is created in Australia to try these offences, the Attorney-General did not close the door on extradition as an option. The reference to this topic in the Attorney-General's second reading speech is as follows:

Australia, must, of course, honour its obligations under Extradition Treaties but the intention is that Australian citizens and residents accused of war crimes be dealt with in this country, and this course is open under the Treaties.

Those latter words are presumably a reference to the Attorney-General's ultimate discretion not to extradite a person, even where proper grounds for extradition have been made out.

The office of the Prime Minister wrote to at least one ethnic group on 29 June 1987 stating, *inter alia*:

In respect of extradition, Australia does not have extradition arrangements with the USSR or any of its allies in relation to this type of activity and accordingly Australia could not lawfully extradite to those countries.

I shall paraphrase what Mr Menzies said at page 152 of his report: there are inherited extradition treaties with some eastern European states. There are no extradition treaties or arrangements with Bulgaria, the German Democratic Republic or the Union of Soviet Socialist Republics.

Clearly, having regard to concerns about the Soviet system of justice and the lack of confidence that any person extradited to the Soviet Union or its satellites could receive a fair trial by our standards, we should oppose extradition to those countries. Accordingly, in the committee stage I will move that it is appropriate for this Parliament to put the matter beyond doubt, while at the same time acknowledging the statements and assurances from both the Attorney-General and the Prime Minister. I do say, however, that, subject to a *prima facie* case being

established and subject to being satisfied that the system of justice operating in the requesting country will ensure that an accused receives a fair trial, the policy position of the Government is not unreasonable.

I wish to mention one other issue at this stage. I have made it very plain that the mere effluxion of time should be no bar to bringing criminals to justice. However, that is not to say that matters should not be treated expeditiously. Again Menzies at page 167 envisaged that the special investigators activities would be subject to a five-year sunset clause. The Attorney-General, in a Press release coinciding with the appointment of Mr R. F. Greenwood, QC, to head the Special Investigations Unit (SIU), indicated this unit would have a 'limited term' of approximately two years.

The Opposition supports the view expressed by the Attorney-General. We believe it is a view that the Parliament should express and my second reading amendment picks up that view, without in any way impinging on the Bill. Further, I will move amendments at the Committee stage to require the production of annual reports from the Special Investigations Unit. I hope the Government will support these proposals.

I now turn to the Bill. I have received a number of representations on the Bill and they have been very carefully examined. Some people have said that the Bill should cover all wars, whenever occurring; but that is now a view supported by the Opposition. There are no war crimes allegations other than in respect of World War II. If such allegations are made in the future, this Bill could be amended again, if necessary. Questions of evidence are significant and the time limitation of this Bill means that the particular problems of Soviet evidence can be properly addressed.

The extension to wars in which Australia was not involved may have some logic, but it is certainly remote from Australian interests. These matters are difficult and it is questionable whether it is sensible to enter upon a course of action without having the opportunity to, at least, consider the matters, as we have been able to do with this Bill, with the benefit of the Menzies report.

The definitions of the Bill have also raised some questions. In the definitions in proposed new section 5 the term 'occupation' arguably does not include the Russian occupation of the Baltic states as a result of the nazi-Soviet pact of 1939. The pact was part of the nazis, war policy and so the occupation of the Baltic states

should be included. I will move an amendment to that effect in the committee stage.

The definition of serious crimes in proposed new section 6 presents particular difficulties. It has been said that the definition is too wide and may encompass acts or omissions that some people might not define as serious, or may encompass some activities that are too remote. On the other hand, there are difficulties in cutting back the definitions without perhaps losing jurisdiction to prosecute persons whose policy directions have been responsible for the most heinous crimes. Further, no prosecution should be initiated without meeting the normal requirements of the Director of Public Prosecutions, and, of course, ultimately there is the safeguard of the common sense of Australian jury men and women. However, I will continue to examine these matters and the Senate will also consider them in due course. I do not accept the view that proposed new section 9 raises the prospect of guilt by association. Proposed new sections 6 and 7 set out the elements of the offence of serious war crimes. Proposed new section 9 is designed to ensure that the trials will be conducted before a jury. Trial by jury is a safeguard and a fundamental feature of our criminal justice system.

I have also looked at a number of other features of the Bill. Time does not permit me to canvass each and every one of them, but it is important that those who have concerns about the Bill should know that the Opposition has examined these matters carefully and is prepared to look at the details of the Bill as we have.

Having indicated the Opposition's view on the Bill, I turn to an issue which will confront us when the trials are initiated. It is an issue that has already been the subject of much controversy in the United States and Canada. The concern is about the validity of evidence coming from the Soviets. Menzies looked at the United States and Canadian experiences and he quoted the Deschenes report from Canada. Madam Speaker, I seek leave to have incorporated in *Hansard* pages 144 and paragraphs (G), (H) and (I) on page 145 of the Menzies report, which set out the arguments about evidence which Menzies took from the Deschenes commission.

Madam SPEAKER—The Chair has guidelines for what is incorporated in *Hansard*. Could you give a copy of the document to the Clerk, who will look at it? If it is within the guidelines, it will be incorporated in *Hansard*. On previous occasions the Chair has ruled that only material

which it is not possible to read into *Hansard* will be incorporated in *Hansard*, such as tables of figures and so forth.

Mr REITH—I will need to read out the material. Thank you, Madam Speaker, for your guidance. These matters are important and I bring them to the attention of the Parliament. If time permits, hopefully, they will be raised during the debate today.

As a result of an examination of all of the concerns about evidence, Menzies recommended that a unit be set up, inter alia, to:

... examine carefully and report to Government on the possibility of taking evidence in Eastern bloc countries for use in Australian courts on the lines followed by the OSI.

There has been no statement from the Government as to whether a report has been prepared. However, it is reported in the media that the Special Investigations Unit has had discussions with the United States, Canada, the United Kingdom, West Germany, Italy and the Soviet Union in recent months. Mr Greenwood, who heads the Unit, is quoted in the *Courier-Mail* of 15 October 1987 as saying:

... arrangements have been made with these countries for access to their archives and records.

I note that Menzies recommended that the SIU's preliminary investigations would 'encompass requesting evidence from overseas countries'. I assume that this has been done and I also understand that the SIU has interviewed Australian residents. As a matter of principle, the coalition parties have stated that trials in Australia should be conducted in accordance with Australian standards of justice. The Attorney-General made the same point in his second reading speech. The Evidence Act includes a discretion, by order of the court, for defence counsel to be present overseas when the evidence is taken.

Our concerns about Australian standards of justice have also been echoed in Canada. I again quote from the Hon. Bob Kaplan who, as recorded at page 8560 of the Canadian *Hansard* of 28 August, stated:

I am glad to note that nothing in this legislation diminishes in any way the safeguards which are available to any individual charged with any serious crime in Canada.

Mr Kaplan was able to say that with bipartisan support because, unlike the position currently in Australia, the Canadian Government had the benefit of the Deschenes commission which specifically canvassed these issues. Deschenes called for submissions, heard counsel and generally conducted a thorough investigation of the mat-

ter. Presumably, the Menzies recommendation relies on the Deschenes experience. The Opposition says that we should adopt the Menzies recommendation. The Government has adopted most of its recommendations; it should adopt that one. We should follow the Deschenes example and similarly conduct such an analysis. This issue will not go away. It has caused great controversy overseas and there can be little doubt that it will be a major issue in Australia. We should not bury our heads in the sand and try to avoid the unavoidable.

Our proposal for this matter to be referred to the Standing Committee on Legal and Constitutional Affairs is a sensible one. This issue must be treated on a bipartisan basis. The Parliament has the responsibility of maintaining our system of justice; so it is appropriate that a parliamentary committee canvass these issues. Not to do so now means that more than likely the issues will have to be canvassed and faced during one of the early trials. I say to the Attorney-General that this is not a proposition where the evidence to be presented will be sifted through by such a committee. Clearly that is not the case. Our concern is to look at this issue. It has arisen elsewhere. We should face it now.

The Opposition's proposal places a time limit on the Committee's report. A report by 1 June 1988—I am not fixed on that date, I might add—should not heed the work of the Special Investigations Unit. Mr Greenwood would continue his activities. We have seen in the Press and in the Parliament in recent days the sort of concerns that will be raised. Let us deal with them now.

In conclusion we, on this side of the House, share the view that those persons who have committed serious war crimes and who have sought to escape punishment by fleeing to Australia, and in some cases have acquired Australian citizenship, should be found and brought to trial. Let justice be done not only to those who suffered or died at the hands of tyrants but also to those who are charged with such heinous crimes. If we are to learn the lessons of those times we must ensure that justice, which is the corner-stone of our democracy, is not tainted. That is not just a high-sounding principle, but a recognition of the fact that while many have been rightly charged and convicted of war crimes in other countries there have been, regrettably, wrongful accusations made against some persons.

There has been a lapse of over 40 years in dealing with this matter. None of us individually carry the burden of that time lapse. For exam-

ple, I was born in 1950 after the war. I am a product of the baby boom. We are dealing with some horrendous matters that occurred in a time and place not known to those of my generation in a personal sense, but we do know that justice must be done. We want this matter to be handled properly. I hope that the Government will adopt the proposals that I have put forward today. I move:

That all words after 'That' be omitted with a view to substituting the following words:

'whilst not opposing the provisions of the Bill, the House:

- (1) acknowledges the principle that the effluxion of time can be no answer to serious crime and that there is no statute of limitations in Australian law pertaining to serious crime;
- (2) notes the statement of the Government that the Special Investigations Unit will be wound up after about 2 years; and
- (3) while not wishing to enact a sunset clause in this Bill, is of the opinion that having retrospectively created jurisdiction for the trial of serious crimes, and excepting circumstances where new evidence is produced, the Government should act expeditiously to ensure that any prosecutions are initiated within 3 years from the date of proclamation of this Bill'.

Madam SPEAKER—Is the amendment seconded?

Mr Ruddock—I second the amendment.

Madam SPEAKER—I remind the honourable member for Flinders that he does have some time left if we want to read the paper he referred to earlier into *Hansard*.

Mr REITH—Thank you, Madam Speaker. I will now do so. At page 144 of the Menzies review, Mr Menzies canvassed the arguments put for and against the production of Soviet evidence. The arguments against were outlined as follows:

- (a) Soviet-supplied evidence cannot be trusted, because of fabrication, intimidation, denial of right to independent counsel, lack of full cross-examination and general disregard for the principles of fundamental justice;
- (b) Access to Soviet archives is severely limited, when it is not totally prevented;
- (c) The same observation applies to access to sites of crimes and to potentially exculpatory witnesses;
- (d) The use of Soviet-supplied evidence would constitute a mockery of justice and would represent the worst form of McCarthyist witch-hunts;
- (e) The U.S.S.R. places no value on the rights of the individual; it is intent on attacking any ethnic group which opposes the Soviet State;

- (f) By travelling to the U.S.S.R., the Commission would legitimize the political claims of the U.S.S.R. on the Baltic States and the Ukraine;
- (g) By the same token, the Commission would give legitimacy to the Soviet legal system, which is but a pawn in the hands of the Soviet government;
- (h) It would be ludicrous to foresee trials in Canada which would depend on a wholesale obtaining of Soviet evidence.

The arguments for were:

- (a) The Commission must go where the evidence is;
- (b) Documents are in Soviet archives, or German archives seized by the Soviets;
- (c) Eyewitnesses are for the most part in the countries where crimes were allegedly committed;
- (d) Victims of the Holocaust should not be deliberately excluded as witnesses and thus doubly victimized;
- (e) Soviet motives should not invalidate Eastern Europe evidence;
- (f) Soviet-supplied evidence was used and accepted by the courts at Nurnberg and in the Rauca case in Canada;
- (g) There is no known instance in Europe or in North America of a Soviet-supplied document having been falsified or of an Eastern Bloc witness having perjured himself;
- (h) Use of evidence from Eastern Europe will not legitimize the Soviet political or legal systems;
- (i) Opposition to the use of Soviet-supplied evidence is a declaration of non-confidence in the Canadian judicial system and its ability to sort out good evidence from bad'.

In support of the proposition in regard to the Standing Committee on Legal and Constitutional Affairs, I put those matters forward for the consideration of the Attorney-General. I thank you, Madam Speaker, for your assistance.

Dr THEOPHANOUS (Calwell) (10.32)—

Today we are considering historic legislation, the War Crimes Amendment Bill. It is legislation which, in my view, is overdue, because the whole issue of war crimes and war criminals coming into Australia should have been taken up much earlier by previous Australian governments. Having said that, I think it is a sign of the maturity of our society that we, as a civilised nation, are now going to face this issue. I believe that it is important not merely from the point of view of the justice that needs to be done in relation to the crimes committed, but also as an expression of our concern, as a civilised society, to condemn actions of the kinds involved in these war crimes.

In so doing, we set an example and we place our position on the record in the international community. We say to the international com-

munity that we will not harbour war criminals, that we will not support war crimes wherever they may occur. In so doing, I think we help in establishing precedents and standards, not only for ourselves but for the whole of humanity. It is because of this that I think the War Crimes Amendment Bill 1987 is of great importance. It does set an example and a precedent, as it is an attempt, finally, to set the record straight, because it does come to grips with a very important issue, at last, in the minds of some.

My friend and colleague the honourable member for Hotham (Mr Kent) will be speaking later in this debate, and he will be speaking from personal experience. He will also be speaking about his many attempts years ago to bring this issue to the forefront of public attention.

Let me go through some of the recent events that brought about the Menzies review of material relating to the entry of suspected war criminals into Australia and this Bill. There have been many calls in the past for action to be taken. One of the modern catalysts was a series of Australian Broadcasting Corporation television programs by Mark Aarons in which he outlined some of the very serious allegations that had been made about the existence of war criminals in Australia. After the Aarons programs he was asked to appear before the Caucus immigration and ethnic affairs committee, of which I have the honour of being the Chairman. Because publicity was given to that process more information became available to members of parliament and to the Government. As a consequence, a number of members of parliament, especially honourable members on this side of the House, made statements calling for further inquiry and action.

One such member was the honourable member for Melbourne (Mr Hand). He produced a mountain of material which contained all sorts of allegations in relation to war crimes. As a consequence of a whole series of such actions and of the determination of the Caucus immigration committee, submissions were made to the Cabinet that various types of inquiries could take place. We had the experience before us of the royal commission in Canada and the American inquiry. The Government wisely decided on an inquiry which involved an examination of the prima facie evidence in the first instance without giving it royal commission powers, without giving people the ability to fling about allegations in public which, in certain instances, may be designed to injure groups rather than to bring individuals to justice. The Caucus committee,

and all of us on this side of the House, supported that approach—an inquiry which looked at what was available in rough terms, *prima facie* terms, through the Menzies review.

If anyone had doubts—unfortunately, some members of the Opposition had some doubts and raised them—that there are people in Australia who are guilty of war crimes, or who at least are guilty *prima facie*, those doubts were dispelled by Menzies who listed a lot of evidence that needed to be considered and recommended that the matter be looked at through the judicial process.

Throughout this whole process the Government is to be commended for the way it has looked at and acted upon the issue. In particular, the Attorney-General (Mr Lionel Bowen) is to be commended. Throughout this issue we have tried to pinpoint individual cases. We have tried to avoid any suggestion that we are attacking any particular ethnic group. We have tried to avoid any suggestion that any particular ethnic group might be collectively guilty of anything. We will continue to do so. There is no issue of any particular group being guilty of anything. We are looking at the issue from the point of view of the guilt of individuals regarding war crimes.

There is no question that some of the allegations are horrendous. It raises a number of difficult questions which we as a society have to deal with. Those questions will be taken up by, among others, the honourable member for Hotham but I want to raise some of them now. How was it possible for these persons to enter Australia in the first instance? Why were they not sufficiently scrutinised? The Menzies review was unable to establish that there was any conspiracy to allow people to come in in this way, but on the other hand Menzies was unable to establish that the procedures at the time were sufficient or what was required in the circumstances. Indeed, he said that at the time he spoke to a number of former officers of the Department of Immigration and former officers in the security services. He was unable to establish any problem in the sense of a conspiracy, but certainly was unable to establish that there was no problem. Unfortunately, there is insufficient evidence one way or the other.

It raises a question for us, and that is that we must make sure that this sort of thing does not happen again in the future. We must make sure that, if ever again there is war in any part of the world involving war crimes and war criminals, our screening procedures will not allow

people of this sort to enter Australia. There are still places in the world, even today, where horrendous crimes are committed against humanity. In those instances we should be careful in our immigration program to screen out persons who might be guilty of such behaviour.

Let me deal with the importance of achieving justice. The Opposition has expressed general support for the process which the Government is undertaking. Opposition members say they want to ensure that justice is done. I am pleased that this is a bipartisan view. We all want to see justice done in this very important area. It will not be easy to collect all the evidence or to trace the witnesses, especially those in the Eastern bloc countries. On the one hand, we have to achieve a balance. We must ensure that whatever evidence is coming from the Union of Soviet Socialist Republics and from the Eastern bloc countries is not fabricated. Nobody in this House wants to see fabricated evidence. On the other hand, as Menzies says, there is no evidence anywhere in the world relating to any war crimes that have taken place to this point that any witness from the Eastern bloc countries has committed perjury. Therefore, we should not assume that because evidence or witnesses come from Eastern bloc countries that in some way that evidence is disqualified.

Mr Ruddock—We should not test it to a lesser standard than we do our own, is that what you are saying?

Dr THEOPHANOUS—I agree with that interjection. The honourable member for Dundas has pre-empted a point I was about to make. I entirely agree with the Government's proposal that we should hold these trials in Australia, and that we should use Australian standards of evidence. There is no disagreement between us on these points, but it should not be assumed that because evidence comes from Eastern bloc countries or the Soviet Union, it is therefore in some sense invalid.

Having said those things, I regret that action was not taken in relation to this matter by previous governments. Most of the previous governments since the war have been conservative governments and unfortunately, these governments took insufficient action in these matters.

Mr Ruddock—With your acquiescence.

Dr THEOPHANOUS—What acquiescence? I do not follow that interjection. The fact is that during the whole of the Menzies Government period, despite substantial evidence, there was no attempt to bring these matters forward. In-

deed, Garfield Barwick said at one stage that the whole chapter was virtually closed and that there was nothing more to inquire into. Fortunately this Government and the Opposition—judging from the statements by the shadow Minister—have reversed that position. They now say that there is no statute of limitations on these sorts of crimes and, indeed, there should not be. There is no question of our ever saying that we will not inquire into these people if evidence comes up in the future.

A question which I wish to address has been raised by some people in the media. That question is whether we should pursue these matters because 40 years is a long time and the people concerned would be quite old now. It is suggested that we should let bygones be bygones, forget about it and not raise this spectre at this time. *Prima facie* this has some plausibility to some people but, I might say, not to me. The most important argument against this proposition is the one with which I began my speech. As a civilised nation, we have a duty to ensure that when these crimes are committed those who commit them are brought to justice. It does not matter how long it takes for this to occur. In so doing, we not only give justice where justice is due, but also give an example to the world community. We are telling the world that as a civilised nation we are not prepared to put up with these sorts of people in our community and that as a civilised nation we will continue to play our part to ensure that such people are brought to justice. The fact that there is a long time between the crime being committed and people being brought to justice may cause some angst in the hearts and minds of some people and that is unfortunate. Nevertheless, there is no question that the fundamental principle is sound and that we should have taken action on this matter at an earlier stage.

I conclude my remarks by commending the Attorney-General on the way in which this matter has been handled. In other countries conflict has arisen because wild allegations have been thrown about in relation to particular ethnic groups. In ensuring that the Menzies review dealt particularly with allegations against individuals and in ensuring that the head of the Special Investigations Unit, Mr Greenwood, pursues cases from the point of view of individuals, this country has adopted an excellent approach which has not resulted in allegations being made against any particular ethnic groups. It has not created the storm of controversy within the community which has arisen in some other countries such as Canada and the United States where wild alle-

gations were thrown about. I think that the approach we have taken has been correct. I support this Bill and its principles. It is overdue; nevertheless I am very proud to see Australia standing up amongst the civilised nations of the world and saying, 'Let us get together and make sure that these people are brought to justice'.

Mr CADMAN (Mitchell) (10.46)—The War Crimes Amendment Bill is very important and it concerns many Australians. Before turning to the details of the legislation, I take up one of the points made by the previous speaker, the honourable member for Calwell (Dr Theophanous), who took a side swipe at previous Liberal governments. I wish to put the record straight in that regard. In his *Review of material relating to the entry of suspected war criminals into Australia*, Mr Menzies said in chapter 2.3:

With the exception of one member (Mr James (Hunter)), the then Opposition did not express dissent from the decision . . .

He was referring to the decision that the time had come to close the chapter. It is interesting to note what Mr Chifley said on this matter in 1950. He commented:

I could not see much purpose in continuing investigations aimed at the tracing of war criminals. That sort of thing could go on for the next twenty years, and new criminals could be located almost daily. I do not attempt, of course, to condone the atrocities such as the honourable member for Grayndler (Mr Daly) mentioned. The situation has stirred up considerable public feeling, and has caused some criticism, not only of the former Government, but also of this Government. Many people ask how long these trials and investigations are to continue. Church representatives have criticized the long drawn-out trials of Nuremberg.

Therefore, I ask the Government to put aside those sorts of criticisms; I rank them with those of Frank Walker in the State Parliament of New South Wales. They have no place in this Parliament. We are in agreement with the principles of the Government's legislation and while there will be variations in views as to how the process should proceed—and it is proper that those views should be expressed in the Parliament today—there is no doubt in the minds of the Australian people that the crimes of the type committed under the nazi regime during the Second World War have no place in the records of humanity. Those who committed such crimes should pay the penalty for having done so.

I want to pay tribute to some really decent Australians—good Aussies who have come to this country from different backgrounds and have suddenly been confronted by the tensions, differences and horrors of 45 years ago. People in various groups in Australia have faced these tensions and differences with a great deal of

acceptance of Australian standards and attitudes of a fair go. I wish to quote a statement issued by the Zionist Federation of Australia on 21 April 1986, which puts forward the point of view of the Jewish community. The Federation's statement says:

The Zionist Federation of Australia believes it is never too late to bring Nazi war criminals to justice, but cautions against using the issue as a political football.

I concur with those remarks. Further on the statement quotes Mr Mark Liebler, the Federation's President, as saying:

The brutality of the Holocaust must never be forgotten and we must take steps to prevent such events happening again.

The statement goes on:

He—

that is, Mr Liebler—

supported Mr Hurford's view—

I do too; the honourable member for Adelaide was Minister for Immigration and Ethnic Affairs at that time—

that investigations in Australia ought to be carried out sensitively so as not to hurt innocent people.

Mr Liebler also strongly cautioned against misuse of this issue as a political football . . . it was too important to be debated.

From another point of view, I want to commend those communities in Australia who came from areas under German occupation and who have adopted a sensible and moderate approach to the difficulties that their communities have faced. I quote in part from a document prepared by the Australian Federation of Ukrainian Organisations. In the opening comments it states.

War crimes, wherever and whenever they were committed, and whoever were their victims, are reprehensible acts which must be publicly condemned and their perpetrators brought to justice.

All war criminals in Australia should be brought to justice.

I endorse those comments. Some pretty decent people around this country have been under threat, facing tension, thinking of circumstances of long ago and wondering whether they will be implicated in a process that it is not possible for a non-legal person to understand. I want to compliment those people from both sides in what has not been a debate but a coming together of views, because I think it is a fine day for Australia when people can take up the cause of fairness and justice and work together to achieve those ends.

The horrific circumstances of the nazi regime have left a blot on world history. The Australian Government, with the support of the Opposition, has seen fit to bring to justice any war criminals who committed crimes during the Second World War. We as an opposition hold very strongly to the view that time is no bar to these processes. Normally one would say that a crime committed so long ago is difficult to prosecute and that, therefore, in the confused circumstances of war, it could well be set aside. That is not the view of the Parliament. War criminals must be brought to justice. People who were involved in the mass extermination of millions of people under cold-blooded circumstances cannot, under Australia's laws and sense of justice, be allowed to go free.

However, I draw to the attention of all Australians that the nazi horror has not been the only horror in the last 40-odd years. The circumstances of the Pol Pot regime in Cambodia were horrific. The circumstances now obtaining in Afghanistan are very serious. Brutality of a type not before seen in the world, with the use of gas and chemicals and all sorts of techniques of modern warfare, is being used by the Soviet Union against the citizens of Afghanistan. Whilst not ranking with the mass genocide under the nazi regime, it is a blot on civilisation. I trust that the free countries of this world, of which there are few, will use opportunities to bring to the attention of the perpetrators of those horrific crimes the seriousness of what they are doing.

The Government's process through this matter has been interesting to trace. I have dealt with the claims by the previous speaker about previous governments. It is sad, in the circumstances of this debate, that we find the Government, on the one hand, pursuing this course but, on the other hand, failing to recognise that those people who were subjected to the nazi regime are being currently paid restitution for that. That restitution for the damage done to them and their families has now been counted by the Government as income for social security purposes. It is an horrific thought in this day and age that the Government, on the one hand, is prepared to proceed to prosecute war criminals—the cost of which, I imagine, will be many millions of dollars—but, on the other hand, for the sake of a few paltry dollars, will not give acknowledgment to the horrors that some Australian citizens faced during the Second World War. Instead, it is saying that that restitution being paid for damage done to them as individuals should be counted as income. It is an incompre-

hensible conundrum. It is like many of the decisions of this current Government.

The Government followed up this matter after it was raised publicly. I want to acknowledge the role played by Senator Peter Baume, who feels so strongly about these matters. I do not always agree with the strength with which he expresses his views, but he has every right to do so and there is real substance to the understanding that he has of these issues.

The issue of the Australian Broadcasting Corporation (ABC) program by Mark Aarons has been raised. Mark Aarons says that he approached his task by looking for evidence of eastern European groups who traced their history back to the nazi puppet governments of Latvia, Estonia, Lithuania, Yugoslavia, Czechoslovakia, the Ukraine and White Russia. A newspaper report quoted him as follows:

'It became fairly clear that there were numerous organisations, many of which, through their own publications and radio programs in Australia, showed they were virulently anti-semitic,' he says.

Aarons started the problem that this Government and the Opposition stopped. He started to mention ethnic groups. I believe that is unforgivable. I certainly believe in mentioning individuals, wherever they are from—but ethnic groups, no. The tensions and concern that that report raised were extremely serious. The Parliament of New South Wales went even further, when a motion was passed calling on the Federal Government to hold a royal commission into the migration of nazis to Australia during the years of the Menzies Government. That was put up as a proposition that we should consider in this place. That was absolute irresponsibility. I am thankful that the then Federal Minister for Immigration and Ethnic Affairs, the honourable member for Adelaide (Mr Hurford), rejected that resolution and that the Government decided not to follow that path. It is unconscionable that any thought would be given to it.

Michael Danby of the *Australian Israel Review* said at that time that the Jewish community was disquieted by the way parliamentary privilege had been used to make unproven allegations against individuals. He said:

We take the issue of Nazis very seriously and we do not like it becoming a political football. The issue is too important to use to score party political points.

That was a quote from the *Age* of 18 April 1986. That was a sound and proper statement made by Mr Michael Danby. I hope that we do not see the left wing of the Australian Labor Party follow the Walker line here today because

it is inappropriate and not proper. The ABC researchers for the program *Nazis in Australia* Not only failed to separate war criminals from the rest, but pretended to be consistently opposed to all groups, such as Croatian and Ukrainian nationalists in Australia, who advocate the use of force to overthrow the regimes which control their homelands. Yet in that program the ABC did not attack the African National Congress, the New People's Army of the Philippines or the Marxist guerrillas in El Salvador, all of whom seek to overthrow by force governments which, however imperfect, permit much more political freedom than do those of the Soviet Union or Yugoslavia. So there was not an appropriate balance in that program.

I come now to the Menzies report which, following widespread public comment, the Government commissioned. I pay tribute to the sensitive way in which Mr Menzies approached his task and to his view that it is proper to take action under the law to bring to justice anyone found in Australia who has committed serious war crimes. He recommended a series of attitudes that the Government could adopt in regard to people thus identified. I believe his proposals are also sound. He proposed that cases could be put aside where the offence was not sufficiently serious or for which there was insufficient evidence, where the alleged offence was committed in a territory or a state with which Australia has extradition arrangements, and a series of recommendations in that vein. They were very sound and important proposals on which this Bill has been based.

I turn to the Bill to compare some of the factors in it with the attitudes expressed by Mr Menzies and some of the problems that we will face and some of the reasons behind the Opposition's attitude. The definition of 'serious crimes' is a vexed area. The Government has chosen to cast a broad net and has included in the definition indecent assault, abduction and procuring for immoral purposes. In normal society, those crimes would not be regarded as being as serious as the crime of murder or manslaughter. But, in time of war, the circumstances of the indecent assault, abduction or procurement for immoral purposes can have a different connotation altogether, so it is the Opposition's view that the discretion of the courts in deciding these matters is very significant; that if an automatic penalty of 25 years applies to some of those apparently lesser crimes which are classified in the Bill as serious crimes, it is most significant that the court consider and weigh the evidence so that

appropriate weight can be given to the various crimes, as defined in the War Crimes Act.

A further matter under the same section of the Act concerns offences that were, by act or omission, in any way directly or indirectly knowingly concerned in or party to the commission of certain other offences. I do not know how that will be determined. It seems to me that the evidentiary processes are critical if one is dealing with a person who, by act or omission, knowingly was concerned directly or indirectly with something. A very low level officer under orders not perfectly understood, doing something that he really did not understand, has to be faced with compelling evidence to demonstrate that that person committed a serious crime. So the broad nature of the Bill means that serious concerns are being expressed by various groups. The representations that I have received relate to those sorts of areas, and they are matters of concern.

The fact that a person acted under duress is not an excuse under the Act; but one must consider how an Australian, at the point of a gun, under superior orders, would follow through a crime when faced with having to give his own life for refusal of those orders. It is hard to make a moral judgment as to whether an individual would follow those orders or would commit the atrocity; and so it is my hope that the courts, by processes of drawing their evidence and considering those matters, will be able to give due emphasis to matters like the degree of duress.

I come finally to the matters of evidence from the Soviet Union and/or the Eastern bloc, because great concern has been expressed about those matters. Concern has been expressed in both the United States and Canada, and the United States experience also suggests that there are serious legal, moral and technical problems in investigating suspected war criminals. These difficulties which have recently been highlighted by some North American jurists and by United States, Canadian and Australian citizens of eastern European origin concern the use of Soviet-supplied evidence and the risk of defamation of innocent individuals and communities. That risk has been there and has been dealt with.

The Government may face some serious problems with the processes that it is adopting, and I trust that these measures will proceed with common sense and with a harsh test of evidence that must be applied. I would hate to see evidence used and boosted by the media to gain a conviction that was not justified in the normal

sense. We have seen in Australia trial by media in some cases. I do not want to see it used in this case.

Finally, the Opposition supports the Government's intention. We trust that, if there are criminals, they will be found and dealt with; but that, if there are not, those who are involved will be able to defend themselves and not have their names damaged in any way.

Mr DEPUTY SPEAKER (Mr Leo McLeay)—Order! The honourable member's time has expired.

Mr PUNCH (Barton) (11.06)—Anyone in this chamber who has visited Israel will know that the first place that any official delegation is taken is the Holocaust memorial. It is the point at which the whole understanding of the existence and the character of Israel is best understood—the persecution and attempted total genocide of the Jewish people, their subsequent flight from that and their own determination not to allow that to happen to them ever again. It is a real life chamber of horrors—something that, once seen, remains vividly in the mind of everyone for ever. Outside the door, there is a chart which shows that anyone with any Jewish blood going back to five generations was considered by Hitler and the scum of the nazis and the fascists who dominated Europe for that period to be ripe for extermination.

A number of people in this country today who are near and dear to me, Jewish and non-Jewish alike, would have been counted on that chart. I therefore make no apology for saying that, whether it be 40 years, 140 years or 4,000 years, such inhumanity of man to man must never be allowed again; must never be countenanced or excused by any test of time, and must be the subject of retribution, no matter how much later, for the sake of those past and for the sake of humanity in the future, whether it be in Africa, South America, Asia or Europe. There are, of course, many instances of man's inhumanity to man—genocidal exploits by rulers and armies that scar history, reminding us that, at man's lowest ebb, little separates him from the other creatures of God's creation. The nazi atrocities, however, stand uniquely in the modern era, conducted by the regime of a civilised culture. People were massacred, not with gun or sword in hand on the battlefield, but in cattle cars and ovens like animals; not because of their actions, but because of their existence; not so much because of their beliefs but because of their very being.

No other country, as the Attorney-General (Mr Lionel Bowen) has reminded me, has gone so steadfastly to the point that we are at today with this Bill. It is for that reason that I say that it is one of the three greatest things that the Hawke Government has done. It is not a measure that will win a lot of votes; I dare say it will lose votes but, by the test of time and by the test of any morality, it is one of the greatest things that we have done.

The whole procedure that this Bill outlines, the commencement of proceedings that this country will go through, augurs a new test of Australian moral fibre. It will be a test to see whether this country can handle it with maturity and decency; whether we will be beholden, collectively and individually, to a higher conscience; and whether we can purge that which needs to be purged without indicting those who have no cause to be indicted. It is fundamental that we proceed in terms of our belief in the rule of law and the laws of God that separate us as human beings from the rest of the animals on this planet. It is a test to bring those responsible to justice. Just as importantly, it will be a test for the rest of us to see that no one is falsely accused or penalised for things that he did not do.

In October of last year, when this matter was first being discussed, I wrote an article for the *Australian* which I would like to quote to the House because it is as relevant today as it was then; although in the 12 months that have passed since I am pleased to say that the Menzies review of material relating to the entry of suspected war criminals into Australia is one that warrants high praise: it is a job well done. The article states:

Mr Menzies report must be clear in its advocacy. The Government and the Parliament must ensure full analysis and action if and where necessary.

This will be no easy task. On the one hand there may be those who will clamour for action against any where the slightest doubt exists. The parliament must ensure that the criminal standards of proof and the proper rights of defence are fully discharged lest innocent victims are claimed, only serving to add another ugly chapter to the tortuous history of war crimes.

Equally, there may be those who, based on some past or present loyalty, will seek to protect the accused at all costs, cloaking any guilt in accusations of discrimination, the fullness of time or the forgiveness of age.

And that is where every Australian must be beholden to his conscience and the belief in the rule of law. There must be no lynch mob mentality; there must be no suggestion of trial by media; and there must be no forgiving and forgetting of any that are guilty.

Dare it be said, much of this will be new for some Australians. Prejudices against certain ethnic communities and wholesale labelling of them as Nazi sympathisers, not usually by Jewish Australians but by the worst of ockers, is as distasteful as the anti-semitic sentiments of others.

Most often the communities commonly mentioned in the popular press when Nazi sympathisers are discussed, are among those who suffered terribly at the hands of the Nazis.

Jews were not the exclusive victims of the war crimes. These communities will support the course of proper justice.

Labelling is dangerous and useless, and Australians must distinguish between the victim and the criminal, just as they must distinguish between soldiers in a losing army and the war criminals.

When considering this Bill that statement is just as relevant today, if not more so, as it was 12 months ago when the Government began the very hard discussions on this issue. A number of points must be made about the legislation. There is no limitation on the time for bringing prosecutions for serious offences to the courts in this country. War crimes are not, and should not be, any exception.

Similarly, this Bill does not create any offences retrospectively. The Bill simply extends the jurisdiction of the Australian civil courts to try recognised war crimes, whether they had been committed within or outside Australia by persons who are now citizens or residents of Australia. In other words, the Bill will try citizens or residents of Australia so accused in this country under the laws and norms of this country. If this country, either properly or improperly in the past 40 years, has accepted people who should be before courts for war crimes, it is up to this country to fulfil that obligation in its own manner.

The Opposition should not be too heartfelt in its concern that there is anything in the Bill that is abnormal in that regard because there is not. The proposed legislation is most clear. It adopts Australian standards to fulfil Australian obligations.

Much has been said about the Russian association, particularly in the taking of evidence. It is clear from Mr Greenwood's discussion with the Soviets that the Soviet Union will assist in facilitating witnesses to provide evidence in Australian courts. No Australian citizens will be compromised by being taken before Soviet courts. The Evidence Amendment Act 1985 provides for the sick and those people unable to travel, allows for the proper conduct of the laws of this country in realms other than for war crimes and ensures that evidence taken overseas is not un-

fairly admitted before Australian courts. Part IIIB of the Act provides expressly for cross-examination, attendance of parties, admissibility of evidence and rejection of evidence in the interests of justice. In other words, there is a strong, thorough and complete consistency in this Bill that extends, has its roots and indeed is complemented by existing criminal laws in this country.

The full and proper discharge of justice in this matter will be no easy thing for this country. There will be charge and countercharge across the nation. There will be times, no doubt, when ethnic and perhaps even religious and cultural patience is stretched, but this is Australia and it is 1987. We have a moral obligation to our past. We have a moral obligation as human beings on this planet. We have a moral obligation to all those generations in the future to ensure that this process is followed properly. We have a collective responsibility as 16 million Australians to act and advocate responsibly throughout this period. Individually and collectively that response is not something that we can pick up or put down like a briefcase. It will be carried with us until the job is done. That is of fundamental importance if this nation is to hold its head high in the world community in the future.

If we do not follow that course, there should be no future occasion when any member on this side of the House, the other side of the House, or in the other place, stands up and lectures and moralises about any event in the world, whether it be in South Africa, Fiji or anywhere else, about what is right and wrong conduct by any nation, government or army. If we cannot adjust and compensate through the processes of law for events that happened more than 40 years ago, we have little chance of doing what is right in the future. So it is as much for the future as it is for the past that it is the proper thing that the Government is doing. It is as much for the future as for the past that it will be the proper thing if other governments of the world, particularly those who participated in World War II, follow this country's lead. It is for the future of South Africa, for the religious intolerances of the Lebanon, for the persecution of many in South America and for the racial strife in Asia that proper action must be taken. The world will then see that, no matter how long after an event, people who have acted against the laws of man and the laws of God will be brought to justice, whether they live to be 80, 90, 100 or more. As I have said, this must be done.

I conclude by repeating that, by passing this legislation, this country will show, individually and collectively, a stance of maturity and decency. There must be no lynch mobs in the Press, the parliaments across this country, the ethnic communities in this country or anywhere else on these issues. Everyone, until proven guilty, has the right of the presumption of innocence. Those who are proven guilty are under an obligation to suffer before the law and, indeed, I trust that they will. This legislation is one of the greatest pieces of legislation this Government has introduced, and I commend it to the House.

Mr RUDDOCK (Dundas) (11.26)—In speaking to the War Crimes Amendment Bill, I want to make a number of points. By way of introduction I allude, firstly, to the *Review of material relating to the entry of suspected war criminals into Australia*, the report known as the Menzies report. What a lucky nation this nation is that we have a person of Mr Menzies' capacities and abilities available to serve it as he has and to undertake for this Government, as he did for the previous Government, a very detailed and comprehensive discussion of very difficult questions. I commend the very balanced and thoughtful approach that he takes to the subject matter that is before him. I am sure the Attorney-General (Mr Lionel Bowen), in selecting him for this task—the Government also selected him for the Amann inquiry—has the same confidence in him as honourable members on this side of the House have.

Mr Menzies' analysis of this very difficult question, in chapter 2 of his report, is one of the most thoughtful presentations of the difficult questions that need to be addressed that I have seen. In his introduction he put the Second World War into context. As was mentioned by the honourable member for Flinders (Mr Reith) when he spoke on this matter, he was a post-war baby. I was born in 1943 and my knowledge of these events is merely the knowledge of one who can only read and see the museums, some of the photographs and some of the presentations by others in films and so on of the horror involved in war. The honourable member also made the point about our forefathers in the context of what happens in war when there is a degree of censorship and a degree of news manipulation—we know that that occurred at that time—and that is that we are not necessarily in a position to make judgments about what was going on on either our side or the side of those who opposed us. It is with the benefit of hindsight, of a historical analysis, that we are now making judgments and, in part, they are differ-

ent judgments from those that were made in earlier times.

One of the points that emerged in the consideration of this matter by Mr Menzies was that the approach that was taken by Liberal governments in the 1950s that were looking at this matter—I refer to Sir Garfield Barwick in particular—was an approach endorsed by the then Opposition. In paragraph 2.3 Mr Menzies made the point that, with the exception of one member, Mr James, the then member for Hunter, the then Opposition did not express dissent from the decision that Sir Garfield Barwick announced, refusing a request from the Soviet Government for the extradition of an alleged war criminal. Mr Menzies, in his further analysis of the subject, in paragraph 2.6, also drew on some comments by Dame Enid Lyons which suggested that a limitation be placed on the time in which suspected war criminals could be arrested. He then quoted from the then Leader of the Opposition, Mr Chifley, a man greatly admired, I know, by the Australian Labor Party, who stated:

I could not see much purpose in continuing investigations aimed at the tracing of war criminals. That sort of thing could go on for the next twenty years, and new criminals could be located almost daily. I do not attempt, of course, to condone atrocities such as the honourable member for Grayndler (Mr Daly) mentioned. The situation has stirred up considerable public feeling, and has caused some criticism, not only of the former Government, but also of this Government. Many people ask how long these trials and investigations are to continue. Church representatives have criticized the long drawn-out trials at Nuremberg.

It is in that context that I refer to the approach which has been adopted as a bipartisan approach by this Government and this Opposition. Mr Menzies, in his analysis of the subject, notes:

Moving forward to the present day, it must be said that a new generation has come forward, one at first dimly aware of the atrocities committed in the war period but in recent years increasingly conscious of the depravity and scale of these crimes. A fresh look at the whole matter has been taken by many people.

I am one of those. I have seen with my own eyes the presentations in Jerusalem of so many of the atrocities of the Second World War. The Minister for Foreign Affairs and Trade (Mr Hayden) has raised the matter of Kampuchea and we have said that other inquiries might be initiated into war crimes of more recent origin. I have seen the tuol sleng in Phnom Penh, another museum which depicts the depravity of more recent times when human life is of so little value to those involved in war and revolution. There is a very strong feeling about the sanctity of life in this nation, and an understanding about

how these matters occur but there is also a belief that those involved in the taking of life, in circumstances such as these, ought not be able to escape unaccountable for their actions.

Having taken this step, the Attorney may well find in the future, in discussions that we have in our councils, that there will be requests for the consideration of war crimes in a more recent context that might involve Australians. One does not know where an investigation of the commission of atrocities in Indo-China might lead. It could well lead to some of our newer Australian citizens as well as Australian citizens of long-standing. Those who are veterans might well find that an examination of the way in which war is conducted could be required. It is a very new area for us and one which has to be examined with a good deal of care and certainly an appreciation of the judicial system—as the honourable member for Barton (Mr Punch) said—under which we live whereby people are not presumed guilty on the basis of allegations. But if allegations are made, a *prima facie* case must first be established. Thereafter they face a trial in accordance with all of the standards and all of the principles that have been designed to protect Australian citizens. I will come to that matter in more detail as I speak on this very important point. Mr Menzies in his further discussion in chapter 2 said:

The arguments against now taking action remain and they are not insubstantial. These matters occurred over 40 years ago. In so far as persons now in Australia are concerned, most (but not all) have lived apparently blameless lives in Australia for many years and acquired Australian citizenship. Their crimes were committed in an entirely different environment and not against Australians. They would all now be in advanced years.

They are persuasive arguments, as Mr Menzies acknowledged. But he came to an on balance view. He made it very clear, and I emphasise this, that in his view 'except in the case of really serious war crimes, these arguments should prevail'. Mr Menzies said:

That is to say, I suggest we exclude from further consideration allegations of collaboration, membership (by itself) of particular military or political organizations and damage to, or plunder of, property and the like. These offences, while undoubtedly warranting action in the immediate post-war period, do not, it seems to me, after the passage of more than 40 years now call for action.

But allegations have been recorded by the Review that persons guilty of serious war crimes, indeed crimes involving murder of many persons, in some cases hundreds of persons, in circumstances of the utmost cruelty and depravity, have entered Australia. In the case of such crimes, the argument that the culprits, by coming to this country, have turned their back on such

events has, in my view, no validity. At the same time I must make clear that the Review has not in any final way investigated these allegations and I express no opinion as to the guilt of persons referred to in these allegations.

It is a very balanced presentation. Why do I emphasise this point? It is because we have a very wide range of offences included in clause 6 of the Bill we are discussing. All of them relate to offences against the person—some of them very serious, some with a capacity to be not so serious. I am not saying they are not serious in all cases and that the allegations may not be serious, but that the offences have the capacity not to be so serious. The offences include murder, manslaughter, causing grievous bodily harm, wounding, rape, indecent assault, abduction—which could clearly include kidnapping—or procuring for immoral purposes which could presumably include prostitution. I do not know whether I regard prostitution as a serious war offence but, no doubt, the extension is intended because it may well be a particular form of offence that would be seen as a serious war crime.

In relation to each of those offences we have the additional offences of attempting or conspiring to commit; aiding, abetting, counselling or procuring the commission of, or being, by act or omission, in any way directly or indirectly, knowingly concerned in, or party to, the commission of any of the offences that I listed earlier. It is a very wide net. We are not suggesting that it should be in any way constrained, but we are saying that in the context of the discussion that Mr Menzies had in mind we need to recognise that, in the Australian system of justice, time, while it does not mean that there is any justification for what has occurred, the nature of the particular offence, the circumstances in which it occurred and the person's life after that offence has occurred can certainly be matters that might well run to penalty and matters that certainly need to be taken into account.

There is some concern in the community that because these offences can carry penalties of up to 25 years goal that that is the penalty that will be imposed. Nothing of the sort occurs in the way in which our judicial system works. That is a maximum penalty and clearly the case. The factors I have mentioned clearly need to be taken into account when sentencing people if they are found guilty of any of these offences that are mentioned in the Bill.

The second matter I want to address in the context of this discussion, and particularly in the context of the amendments proposed by the

honourable member for Flinders on behalf of the Opposition, is the amendment that generally seeks to have expedited consideration of all of the charges or allegations of serious war crimes in Australia, particularly that part of the amendment that suggests referring this matter to the Standing Committee on Legal and Constitutional Affairs. I raise these matters because there is a real underlying concern that in the Australian context any decisions that are taken about the commission of war crimes in which Australian citizens are involved ought to be taken in Australia. The judgments that are formed ought to be formed in Australian courts with Australian juries. This is an approach that the Attorney-General himself, in his own speech, said that the Government ought to take. I want to quote from the Attorney-General because I want to emphasise what he had to say. I want to raise the prospect of taking evidence, and possibly evidence from overseas. He said:

No person will be deported to any country on the basis of a simple allegation that the person has committed a war crime. Australia must, of course, honour its obligations under extradition treaties but the intention—

I place emphasis on the word 'intention'—

is that Australian citizens and residents accused of war crimes be dealt with in this country and this course is open under the treaties.

I take it that what the Attorney-General means is what he says, that people will not be extradited—recognising that we have obligations—that we will take the course open under our treaties that people will be tried in Australia if there are allegations of war crimes against them. That point is interesting in that context. Honourable members will be aware that I asked a question yesterday seeking clarification about discussions that have been taking place between Australia and the Soviet Union. My question alluded to the fact that my inquiries of the Soviet Union, through its embassy, had made it clear that it is of the view that there is an agreement between Australia and the Soviet Union about the way in which these matters are to be dealt with.

I sought information from the Prime Minister (Mr Hawke) as to the terms of that agreement. I am not aware that he has provided the supplementary information at this point that I requested in my question yesterday. I regard it as a serious matter that we are addressing this Bill before there has been clarification about the nature of any agreement reached with the Soviet Union. I would hate to think our Prime Minister is going off to the Soviet Union to conclude, in some formal way, an agreement of which we

have no knowledge or notice of here. I emphasise that we are asked to pass this Bill through the Parliament without that knowledge. A report in the *Canberra Times* stated:

Australian and Soviet Union officials have agreed on a joint initiative to investigate and prosecute an estimated 200 suspected Nazi war criminals living in Australia.

I want to know what is the nature of that agreement, what are its terms, does it in any way compromise traditional Australian law as to the taking of evidence overseas and what standards should be observed?

By way of interjection, I made a statement earlier. I certainly do not want to inhibit in any way the taking of evidence from the Soviet Union or any other country, but if that evidence is to be taken, I do not want it to be taken at a lesser standard than we would demand of any other country or demand in terms of the testing of evidence in Australia. That means there have to be arrangements so that if evidence is taken, for instance, overseas, there can be the cross-examination of witnesses in the same way that there would be if that occurred here in Australia, so we can test whether the evidence is fabricated. The people ought to have their own legal representation from Australia, so that the evidence can be tested in accordance with our own standards of justice.

The points that have been made in the amendment that my colleague the honourable member for Flinders will propose for a reference to the Senate Standing Committee on Legal and Constitutional Affairs are that before any of these proceedings are undertaken we should establish: first, whether the nature of the evidence and related material believed to be available in foreign countries is likely to be of sufficient evidentiary value as to warrant the institution of any prosecutions; secondly, if so, what procedures should apply to the collection of that evidence; and thirdly, the most appropriate procedures for presentation of that evidence in an Australian trial. There is also another paragraph in that motion.

Madam DEPUTY SPEAKER (Mrs Darling)—Order! the honourable member's time has expired.

Mr KENT (Hotham) (11.46)—The speaker I follow, the honourable member for Dundas (Mr Ruddock), has shown a lot of concern for the proprieties of the law, and a lot of concern that that be applied to people who will be charged for committing war crimes. Let me express some concern for the victims, those hundreds of thou-

sands of people who were dragged to their death. I find it rather curious that after nearly three decades of urging successive Australian governments to take action against war criminals who have settled in Australia, finally I am able to discuss the War Crimes Amendment Bill 1987 in this House. The first leaflet that I ever composed accused the Menzies Government of harbouring war criminals. That was back in the 1960s, and I have saved a few copies of that leaflet. Even though successive governments have denied that there are war criminals in Australia, this Bill now before the House will enable us to bring to justice people accused of war crimes. According to the second reading speech of the Attorney-General (Mr Lionel Bowen):

The types of crimes which will always be of concern, no matter how long ago they were committed, include participation in police or so-called 'security units'—whether or not German controlled—which deported, ill-treated or murdered persons on racial or political grounds; and participation as guards or administrators in German-established death camps or similar places at which large numbers of persons were murdered or ill-treated.

Since such crimes were committed 45 year ago, let me refresh the memories of honourable members. I shall quote a short passage from the testimony of Solomon Musafija, a Yugoslav Jew, one of the survivors of the Jasenovac Camp in Pavelic's Croatia:

The horrors that I lived through cannot be described. Jasenovac was the meeting place of the worst Ustasha cut-throats and criminals. During the so-called 'parades' the murderers were killing and literally slaughtering people without any reason. Ustasha cut-throat Rasid Uzicanin told one of the inmates, Bruno Dijamant, that he will drink his blood whilst alive. In front of us 3,000 inmates he fulfilled his horrible threat. He walked up to Bruno, threw him to the ground and cut his throat. While the poor victim was still in convulsion, the murderer was drinking his blood. He knelt on his chest and drunk from his gullet and we were forced to watch it.

This excerpt is from a book published by the Association of Jewish Councils of Yugoslavia in 1971. It contains the testimonies of 27 survivors of the Ustasha death camps. I chose this quotation to remind ourselves of the horrible crimes committed not only by the German occupiers but by domestic quislings, some of whom escaped their punishment and settled here in Australia—people such as Ustashi members Srecko Rover, Josip Kasic, and the well-known instigator, Ljenko Urbanchich. And of course, I do not need to read books to learn about the heinous crimes of war criminals. I heard first-hand stories from survivors, such as from my friend Nandor Glid, who is today the rector of the Belgrade Faculty of Fine Arts, who lost 60 members of

his family; or stories from another acquaintance, Silja Rosenberg, who was one of the few survivors of Jasenovac Camp, and some of the brutalities I witnessed myself.

As a young teenager, I saw some of the victims murdered in my home town by Hungarian fascist killers. In April 1941, as I was walking home during the start of a three-day shooting and killing orgy by the Hungarian occupiers, I was passing the house of a retired teacher, Nenad Covic, who was answering a call at his front door. As he responded in the Serbian language, the killers lobbed a hand grenade over the gate. He was lying in the open gateway, his brains splattered and hanging on the walls, while across the road at the Serbian Church, the body of the priest was hanging from the bell tower. I would not wish that anybody at the age of 14 should encounter such sights. At the same time, while I was passing the Covic's house, only a few streets away a small group of fascist soldiers entered the house of another high school teacher, Dr Miklos Santo. They bailed up the teacher, his mother, his wife, and their two sons, Laci, 17, and Ivan, 19. They told them to hold their hands above their heads and, as the family complied, they put a bayonet through Ivan and shot dead the younger son as he tried to help his brother—all that in front of the father, mother and grandmother.

During those three days, 700 Serbs, Jews and others were killed in my home town, for no other reason than to frighten and terrorise the inhabitants. I think that the honourable members will understand that we are not talking here of ordinary criminals or murderers, but of the most brutal sadistic killers unheard of in human history. Nowhere in the world have so many brutal face to face killings taken place as in occupied Yugoslavia, especially in Pavelic's Croatia. From my class of 28 in high school, I think only five of us have survived, and very few survived who were a year or two older. In the town of Kragujevac the whole school of 1,000 pupils and teachers were shot by the Germans, along with thousands of citizens, thus wiping out a whole generation.

The Bill before the House will ensure that persons who took part in crimes such as I have described and who are now residents or citizens of Australia will be brought to trial. We will ensure that normal rules governing evidence and the presumption of innocence do prevail. We will adhere to normally accepted judicial standards and give those murderous gangsters the right to defend themselves—something they did

not give to their victims. Even though the crimes were committed more than 40 years ago, we cannot allow war criminals to escape punishment. We owe it to ourselves, and to the future generations, judicially to establish the facts of history and to punish the criminals so as to prevent institutional murder and genocide ever being committed again.

For once I disagree with Mr Justice Kirby and say to him that just because the war criminals managed to evade justice for so long is no reason for not dealing with them. Moreover, we shall investigate how and why these criminal murderers managed to evade the law and whether they were helped by our authorities, the Government, the Immigration Department and the Australian Security Intelligence Organisation. How was it possible that criminals like Srecko Rover, Ljenko Urbanchich, Megay, Josip Kasic, Stjepan Brbic and many others entered Australia and set up their extremist organisations here?

To answer this question, I have to return to April 1941, when nazi Germany, with its allies, attacked and occupied Yugoslavia. On 10 April, the so-called independent State of Croatia was proclaimed and its Führer, Ante Pavelic, entered Zagreb on an Italian tank flanked by German and Italian troops. By 17 May 1941, by a decree, Pavelic established 34 extraordinary circuit summary courts, presided over by sworn Ustashi. The courts could pronounce only death sentences against which no appeal was allowed and which were carried out immediately, often simultaneously whilst the sentences were being read. President of one such court was Srecko Rover, then a Ustashi lieutenant, who lives now in Fawkner, a Melbourne suburb. Rover is responsible for the death of scores of people as the president of such a court and later as a Ustashi officer. For his murderous activities he was promoted into Führer Pavelic's personal bodyguard.

To legalise murder, Pavelic issued statutory orders 'for the directions of undesirable and dangerous persons to compulsory detention in concentration camps'. Under these powers, Rover consigned scores of people to the Jasenovac and other camps. What happened to these people I have already described. While Rover was carrying on his murderous activities, his mate, Josip Kasic, also a member of the Ustasha organisation, was a seminarist in Zagreb. He swore allegiance to his Führer Pavelic and was roaming the city and the countryside with bloodthirsty, armed Ustashi bands killing Serbs, Jews, gypsies and Croats who were suspected of opposing the fascist regime. Today, Kasic is an old man who

tries to sooth his troubled conscience by preaching from his pulpit in Clifton Hill that Croats are a superior race, the master race, while Serbs, gypsies and Jews are sub-human. He threatens with ex-communication Croats who marry Australians, as he considers that would degrade the master race.

In Sydney there is another guilty fellow, Ljenko Urbanchich, an instigator of murder, who was a nazi propagandist during the war. He cannot even deny his call for extermination of Jews because it is in his propaganda articles. In Perth lived another Ustasha gangster, Stjepan Brbic, who died just over a month ago, thus forever escaping justice. For four years from 1941 to 1945, people like Rover, Kasic, Urbanchich and Brbic committed crimes against humanity, murdering, raping and pillaging, not thinking for one minute that one day the war might end and that they would be called to answer for their crimes. Indeed, they were almost right, as for 40 years they evaded justice.

In 1945 as the victorious partisans advanced, the nazi and fascist troops were withdrawing in haste and with them were the domestic traitors, the Czetnicks, the followers of Ljotic, the Ustashi and all the assorted cut-throat rabble who took part in the genocide. The fuhrer, Pavelic, fled to Argentina; his interior minister, Andrija Artukovic, to the United States; Maks Luburic, the notorious cut-throat and commander of extermination camps, to Spain; and some others managed, via Italy and/or Austria, to emigrate to Australia.

One has to pause here and ask how it was possible that notorious Ustasha criminals like Rover, Kasic, Urbanchich, Lovokovic, Brbic and others managed to get through our immigration screening. It is also interesting to note that besides the above, a former priest, Josip Bujanovic, nicknamed 'Pop Jole' who wore the uniform of a Ustashi captain during the war and was in charge of a Ustashi storm-trooper unit—a declared war criminal—now lives in Adelaide. These people, these former war criminals, not only settled in Australia but also they soon became active and set up their various organisations, directed from overseas and modelled on their parent organisations, in Argentina, Spain and the United States. Pavelic's mate, Branko Jelic, established in Germany in 1950 the Ustasha organisation, the Hrvatski Narodni Odbor—the Croatian National Council. The former commander of Jasenovac and notorious killer Luburic established in Spain the Hrvatski Nacionalni Otpor—the Croat National Resistance.

Pavelic formed in 1956 the Hrvatski Oslobodilacki Pokret—the Croatian Liberation Movement—and so it goes on. People like Rover, Kasic and Lovokovic established agencies of these organisations here in Australia and armed training of terrorists was soon organised for infiltration into Yugoslavia.

In 1961 the HRB (Hrvatski Revolucionarno Bratstvo—Croatian Revolutionary Brotherhood) was established. This is a secret terrorist organisation operating behind the facade of social and cultural clubs. The HRB was responsible for sending nine armed terrorists into Yugoslavia in 1963 and another 19 in 1972 and is also responsible for various terrorist acts in Australia. The leading members of the terrorist HRB in Australia are: Josip and Marko Bagaric, Jure and Ilija Maric, Srecko Rover, Franje Turk, Luke Ugarkovic, Marko Mudgronja, Ivan Matkovic, Jure Gojevic, Jakov Brdar, Marinko Volarevic, Ante and Ivica Butkovic, Marijan and Tomislav Bosnjack, Ante Sute, Jerko Kulas, Franje Pericic, Jakov Suljak, Ante Saric, Nikola Bikes, Andrija Lemic and Ivica Kokic.

These people, the older ones involved in war-time atrocities and the younger ones, their disciples, have infiltrated into the leadership of various Croat social clubs, and so it comes about that in Whitehall Street in Footscray today stands a building with this inscription on its facade 'Croatian Home—Ante Pavelic'. The public tribute that people like Ivica Kokic and others, recruits of former war criminals, are paying to Ante Pavelic, the Hitler of Croatia, is a scandal. This came about because our security organisations were encouraged by successive conservative governments to spy on trade union officials instead of keeping an eye on foreign nazi agencies, set up by former war criminals and freely operating in Australia.

Pavelic, who is worshipped by persons that I have just named, ordered the killing of more than a million people between 1941 and 1945. The murder of the million innocent men, women and children was carried out in the most brutal way of face to face killings. The methods used by Pavelic's Ustashi were shooting, burning people alive, starving imprisoned victims to death, especially women and children, gassing by cyclone gas, cutting the victims' throats, torturing them to death and any other method that the sadistic minds of Pavelic's Ustashi could invent.

Besides cutting the throats of victims, one of the favourite ways of Ustashi killings was to line up the prisoners at a previously dug out trench and hit them, one by one, with a heavy mallet

on the head, smashing their skulls. The blow to the head caused a grotesque, distorted smile on the victims' faces which especially pleased the Ustasha killers. The horrors of German gas chambers certainly do not surpass the brutality of face to face killing by Ustashi.

To understand the real horror of Ustashi genocide one would have to imagine oneself in the place of each of the million innocent victims tortured and killed by Ustashi, in the place of each mother whose baby was killed in her presence, lifted out of its cot and smashed against the wall by abominable Ustashi killers in front of her eyes. Yet we are today in this Bill meticulously safeguarding the human rights of those who are accused of taking part in those inhuman killings. Finally, I end with the words and sentiments—to which I subscribe—of Dr Josef Konforti, a former inmate who collected the testimonies of survivors of Jasenovac:

We, the surviving inmates of Ustasha death camps, do not wish these rememberings to be used in any way for revenge, any time, or against anybody. We wish that our rememberings serve in the cause of justice and even more we wish that they contribute towards better understanding between people and to uplift humanity, humanity which was so arduously desired by our fellow sufferers in their hardest and last moments of their lives with everlasting 'Sema Jisrael'.

I thank the House that I have been able to read those words of a survivor of the atrocities committed. I ask that we do not use his testimony and that of others in revenge, but that we seek to establish justice and to bring the people who were involved in those atrocities to justice.

Dr WOODS (Lowe) (12.06)—The House is debating the War Crimes Amendment Bill 1987, which amends the War Crimes Act 1945 and abolishes trials by military tribunals. The stated purpose of the Bill is to provide for the trial under Australian civil law of persons now resident in or citizens of this country, where substantial evidence exists of a serious war crime being committed during World War II. The alleged offence may have been committed inside or outside Australia, and the relevant period as defined is 1 September 1939 to 29 October 1945. The explanatory memorandum states:

For an act committed overseas to be a war crime, it must have been such that if it had occurred in Australia, it would have been an offence against Australian criminal law at that time and in addition must be shown to be linked to a war or conflict in the manner set out in the Bill.

The Bill specifically excludes any defence based upon 'superior orders', which is a defence attempted repeatedly, but always rejected, during the Nuremberg war trials. It does, however, pro-

vide that it may be taken into account in sentencing. It is a defence if it can be shown that the act was permitted by the laws of war and was not under international law a crime against humanity. The Bill provides a range of punishments, including life imprisonment.

No reasonable person could genuinely object to the just trial under Australian civil law, with all its safeguards and protections, including the presumption of innocence of any person, where there exists a *prima facie* case indicating the committal of a serious war crime, no matter how long ago that crime was alleged to have been committed. However, in the assessment of this principle and in the analysis of the Bill and of the second reading speech of the Attorney-General (Mr Lionel Bowen), a number of very important issues must be raised. These merit very careful scrutiny.

The first is the problem of alleged offences being committed between 42 and 48 years ago. During those four or more decades, radical changes may have taken place, both to nations and to individuals which may well critically influence the current availability and objectivity of evidence. In many cases records may have been destroyed; history has been distorted and rewritten in many countries; propaganda has intensified in volume and techniques, with innocent people becoming unwitting victims of this propaganda.

Many valuable and objective witnesses for both defence and prosecution have died or are now frail, aged or infirm, possibly with diminished memories. Other potential witnesses may fear reprisal if they come forward, or if they come forward and give evidence that is unsatisfactory to the political leaders of their country of origin. However genuine those witnesses may be, it is difficult to escape the subjective judgments, glosses and entrenched prejudices that emerge from such long journeys into the retrospective.

Secondly, the detailed documentation and the pursuit and location of alleged criminals over the past four decades have been, for the free world at least, almost exclusively directed to the pursuit of ex-nazis. To a certain extent this is wholly understandable and fully justifiable. The insanity of the Holocaust must never be forgotten, and the genuinely guilty people must be pursued and brought to fair trial.

But other war crimes of significant and similar magnitude have not received similar public understanding, effective documentation or pursuit. For example, the Russian atrocities in occupied countries such as Estonia, Lithuania, Latvia, the

Ukraine and Poland were of enormous dimensions, yet they have had little or no publicity, and certainly there has been scarcely any attempt at documentation or location of the alleged criminals. It is so much easier to pursue the investigation of a vanquished nation, in this case Germany, where so many records of the nazi era still exist and where there is no obstacle to obtaining witnesses from free countries. By contrast, Russian occupied territories are closed communities where documents may have been destroyed or corrupted and where witnesses may have been coerced. Most importantly, the pursuit may be based upon political and ideological reasons and not on the rule of law.

Few people in the free world, and certainly very few Australians, have any knowledge of the turbulence and complexities which beset the history and people of the Baltic states and the Ukraine in the years before and during World War II. Here were countries which had fiercely sought independence, which have been overrun throughout history, which have been forcibly occupied by the Germans in 1940 following the Russian-German non-aggression pact; which had suffered harshness, brutality and terrible atrocities under the German occupation in the ensuing four or five years, only then to be invaded by the Russians in 1944 with a similar imposition of tyranny. Out of such a turbulent history how can one accurately assess the motives and actions of individuals and the immense strain on their loyalties? Even more importantly, how can any objective evidence be obtained today from the countries which remain, in many cases unwillingly, behind the Iron Curtain? In a similar strain, atrocities were committed by individuals and groups elsewhere in Europe. For example, the Yugoslavian partisan group led by the communist Tito was notoriously brutal and murderous. The wholesale slaughter of the royalist leader Mihailovich's Chetniks would merit detailed study, but none has been forthcoming. Yugoslavia is a closed communist community.

It is also worth noting in any attempt at objective study that there has been virtually no investigation, after initial war crimes trials, of alleged Japanese atrocities, although the magnitude of those atrocities was undoubtedly immense both before World War II in China and Manchuria and throughout the Pacific basin in the war years. No one has ventured to suggest, for example, that among the many hundreds of thousands of very welcome Japanese visitors to Australia there might be some alleged war criminals. Sadly, the focus has been all too selective and sometimes downright political. For example,

the tabling in the Senate by the then Attorney-General, Senator Lionel Murphy, of several thousand Yugoslav names—allegedly suspect people—was an outrage of enormous proportions. It was a gross offence against the principles of justice and decency. Yet those people became tainted in the eyes of others and were never given a chance to clear their names.

We have seen here today another example of this misuse of parliamentary privilege by the honourable member for Hotham (Mr Kent). I repeat that it is an offence against the principles of justice and decency. Yugoslavia itself is a supreme example of the difficulties of seeking out objective truths. It is a nation that was forcibly and unwillingly drawn together by the Allies after World War I, combining people of vastly different races, religions and cultures—Serbs, Croats, Slovines, Macedonians, Bosnians, Hungarians, Montenegrins, Christians and Moslems—a seething cockpit of dissidents and conflict. Here were people in World War II torn between a variety of loyalties and choices—the royalist King Peter who fled to the West, the Germans including the Matashes, the communists and the independents.

The Minister's second reading speech reflects, whether wittingly or otherwise, that same selectivity. There is no mention in specific terms of any Russian or communist atrocities, no reference to the Pacific War, no comment upon the atrocities in the Baltic, Ukrainian or Yugoslav countries. The references are very specifically oriented to Germany and German and nazi war crimes. It is true that the Minister stated:

No distinction is drawn, for example, between members of the Allied or Axis forces, or between persons of different races or origins. Consistent with the Government's even-handed policy. The Bill applies to any person who commits a war crime as defined . . .

But that is simply not good enough. Why is there no specific reference to crimes committed during Russian occupation? Why do the Russians escape mention, presumably being anonymously hidden within the euphemistic phrase 'Allied Forces'? Why was there no mention of the difficulties of securing factual evidence from Iron Curtain countries, or how evidence submitted from such countries might be evaluated, analysed, viewed and used by the courts in Australia?

These are the vital matters lying behind the understandable fears of many residents and citizens of Australia who, in many cases lived through both Russian and German occupations and who know and fear only too greatly the

coercive nature of communist propaganda. Surely there should have been some indication that the Government understands such fears and will protect all the innocent. The Minister has said:

No person will be deported to any country on the basis of a simple allegation that the person has committed a war crime.

I welcome that statement. He said:

Australia must, of course, honour its obligations under extradition treaties, but the intention is that Australian citizens and residents accused of war crimes will be dealt with in this country and this course is open under the treaties.

This provides some measure of reassurance but still leaves doubts. Many migrants fear the danger of deportation based upon trumped up charges with skilfully forged documentary evidence. In another part of his speech, the Minister stated:

The scheme therefore involves the hypothetical transfer of the act alleged to constitute the offence from outside Australia to some part of Australia.

In plain words this should mean that all such allegations, following a *prima facie* case being established, will be tried in Australia. On that reading deportation should not arise. There must never again be any release of names of alleged criminals, whether under parliamentary privilege, via the media or otherwise, before the actual committal proceedings are implemented. Those responsible for such committal decisions have an even heavier than usual onus upon them since they are dealing with individuals, nationals and events heavily over-laden with ideological and propaganda overtones and caught in a violent cockpit of a war occurring 40-odd years ago. The values and orthodoxes of normal committals are not sufficient by themselves. The complexities are so much greater.

The current trial in Israel of the Ukrainian alleged to be the notorious Ivan the Terrible merits close study. Major characteristics of the trial include the key defence assertions that the defendant has been falsely identified and may have been framed by the KGB. These assertions seem to have some validity. The question 'What is truth?', posed with such enduring consequences 2,000 years ago, is vitally relevant in any committal. The test of truth, after four decades and the corruption of history, must be immensely difficult.

I accept that those who have the responsibility will approach this task with skill, fairness and, hopefully, the presumption of innocence. I entirely accept, too, that where evidence exists beyond reasonable doubt, war criminals should

be tried and punished, in whatever theatre of war those acts were committed, regardless of the time duration since their committal.

We all want the innocent to be protected. We all hope for some better understanding by Australians, of the tremendous stresses, strains and conflicts of loyalties, the threats and coercions which were the daily theatre of occupied countries in the period in question.

Mr JOHNS (Petrie) (12.20)—The rationale for this amendment to the War Crimes Act 1945 is that up to 70 suspected war criminals have entered the country since World War II and that the lapse of time since the execution of their deeds does not excuse them from being brought to justice. Allegations made in 1986 that a substantial number of nazi war criminals were allowed to enter Australia through the connivance of the United States of America and British intelligence services have been the subject of review. The review by Mr A. C. Menzies found and recommended that, contrary to the 1961 statement of Sir Garfield Barwick, the subject of war criminals in Australia was not a closed chapter. Mr Menzies stated:

In the Australian system of justice, lapse of time has never been regarded as justification for withholding prosecution action for the most serious crimes . . . I recommend that the Government make a clear and positive statement to that effect and that it will take appropriate action under the law to bring to justice persons who have committed serious war crimes found in Australia.

The War Crimes Amendment Bill 1987 will bring to justice certain war criminals, and lead to a spectacular series of war trials the like of which this country has not witnessed. The nature of the allegations are as follows: participation in police or 'security' units which had the task of deporting, ill-treating or murdering persons on racial or political grounds; participation as guards or administrators in the operation of German established concentration camps or prisons at which large numbers of people were murdered or ill-treated; and participation in national or local puppet governments under nazi German direction at an executive level, allegedly involving direct responsibility for the deportation, ill-treatment or murder of persons on racial or political grounds.

As to how these people arrived here, Menzies found no suggestion that they were aided by authorities of Allied countries. Rather, he found:

While Australian officers in Europe endeavoured to prevent the acceptance for migration to Australia of persons responsible for war crimes . . . there were serious limitations, particularly in early years, in num-

bers and geographical spread of staff available to do the necessary checking . . .

Australia received almost 348,000 British migrants under the United Kingdom free and assisted passage agreements between 1947 and 1959. More than 170,000 persons displaced from Germany were brought to Australia between 1947 and 1950 under the International Refugee Organisation scheme. Some war criminals were bound to slip through the net.

Most peculiarly, the whole issue of the conduct of World War II has arisen at a time of a newly released and revisionist history of that war. I refer to David Irving's *Churchill's War*. It is salutary to make a statement about that book at this time. Whilst some claim that Irving received an uncritical Press reception to the launch of his book in Australia, I believe that his reception was fairly brutal, perhaps rightly so. But at my age—I was born seven years after the end of World War II—it is difficult to gauge the truth or otherwise of all that I have read and heard and seen about the war. Do we attribute all blame to the German nation, and to the fascists, Hitler in particular? Is there a viewpoint other than that generally accepted that there was only one source of evil, only one group that commenced the war? As I understand it, one of the causes of the First World War was the completion of the carve up of the New World by the European nations, the two principals being Britain and Germany.

With the defeat of the German nation in 1918, it is further argued that war reparations to the victors created the conditions—economic and social—for the rise of fascism in the 1930s for the rise of Hitler. As simple as that explanation of events may be, it is at least one that explains war in economic and strategic terms, divorced from particular individuals. And this is what makes Irving's account so difficult to swallow. To blame a single individual, or indeed, as he does, a coterie of Jewish conspirators, for the creation of the war is incredible. To be more accurate, Irving is really saying that Churchill was warning the British people some years before the War of the military build up of the fascists. I would have thought that was a good thing. But then to suggest, as he does, that, once started, the war could have been stopped in 1940, because the Germans had satisfied their territorial desires, is somewhat hard to believe. To suggest that Churchill's Jewish backers, a group called Focus, would conspire to prolong the war, or even to commence it, so that the Israeli state could be proclaimed after the British troops had withdrawn from Palestine, is fantastic

indeed. Irving quoted Churchill as having said to David Ben-Gurion, chairman of the Jewish agency executive in Jerusalem:

England will wake up and defeat Mussolini and Hitler, and then your hour will also come.

Of course the Jews would have seen their chance to fight for Palestine once the British went to war, just as the Irish nationalists and the Indian nationalists, and any other group fighting to remove itself from British rule, would have liked to see the British Empire loosen its grip. But why provoke a war with Germany, or indeed prolong it, at the known expense of one's own people who were dying at the hands of the Germans? The proposition is preposterous indeed.

How does Irving construct his view of the war, and for what reason? Two of his interviews in Australia—one debating Max Teichmann, a non-Jewish German, and the other, an interview with Andrew Carroll of the *7.30 Report*—are instructive. Irving said:

Prolonging the war from 1940 to 1945, Winston Churchill made . . . the holocaust possible. If the war had ended in 1940 the Jews would have had a ruthless fate, that is true, they would have been resettled in territories other than central Europe, they would have been pushed back eastwards, they might even have been transported overseas to Madagascar, that was Adolf Hitler's plan—

this is according to Irving—

But if the war had not continued there would have been no butchering in the way that subsequently occurred.

He further stated:

If you are familiar with Adolf Hitler's private papers and with the official papers of the German Government too, you will not find any plans anywhere in all the tens of thousands of tons of captured German documentation indicating an ambition to conquer the world. He wanted to dominate the world rather as the United States and the Soviet Union now do, that is the aim of many great powers. But to conquer the world, that was never Adolf Hitler's ambition and we British were fool enough to allow ourselves to be gulled by this man, by Winston Churchill, into destroying our own empire in an attempt to smash Adolf Hitler's.

Finally, Irving said of Churchill:

He prolonged the war. This was the first thing that he did. He prolonged the war far longer than it was really necessary. We had to get into the war in 1939 because we'd given our word, there's no doubt about that, and an Englishman keeps his word. But when the war no longer had a point, which is after Poland vanished, invaded not only by the Nazis but by the Soviet Union too, we should have found a way of getting out, acceptably and honourably and we had peace terms offered to us in 1940 that were eminently acceptable to Britain and the British Empire and we should have stopped meddling in other people's business.

I do not condemn Irving by association with groups such as the League of Rights. But his construction of history is dangerously distorted. For all of Irving's brilliant historical research—I believe there is much great work in his volume, much of which I have read—the construction placed on the facts is simply too fantastic to make it credible. That is not just because it comes as a shock to me, but because it is so implausible, so conspiratorial. As Irving admits, he hates Churchill with a passion.

In the course of a very intelligent and obviously considered critique of Irving's *Churchill's War*, Robert Manne, writing in the magazine *Quadrant*, could not help at the same time damning the Left and the young for not picking Irving as a fraud. Manne asked, 'Why did the Australian media flock to hear what Irving had to say about Churchill?'. He answered that Irving's central theme struck a responsive chord among Australia's journalists. Manne wrote:

If the paradigm just war of our century—Britain's war against Nazi Germany—is redescrivable, as the expression of the lust for power as a cynical, callous and cowardly drunkard (Churchill) then it becomes clear that no supposedly just war is ever just. The subliminal subversive message of Irving's media appearances—nothing is worth fighting for—is music to the ears of the post Vietnam generation.

I suspect the article in *Quadrant* reveals what most Tories know—that, hidden beneath the surface of a right wing extremist, is a crazed megalomaniac who wants to play Churchill, whether in his Lawrence of Arabia period or his V for victory sign period. The painting of the blackest of pictures of Churchill the hero makes the Tories of the world most uncomfortable indeed. Just as the Marxist-Leninists in this country rewrite the history of Stalin's Russia to satisfy their own construction of history, I say a pox on both of those houses—the communists and the fascists, and their fellow travellers. The post-Vietnam generation has a far more independent and mature understanding of realpolitik than Manne gives it credit for. We are able to distinguish the bad deeds of all combatant states, whether Russian, American or whatever.

That brings me to my final argument. Whilst this amendment and the revisionist history of World War II occupies our minds, it is an illustration of our eurocentric view of the world and our eurocentric memory of the war and its crimes. Over 38 million people lost their lives in World War II—people of many nations and the greatest number by far of any one nation being Russians.

But, more recently and closer to our region, there have been many wars declared and not declared and many gross acts of genocide to which we should at times turn our attention. Without setting hares running, we should ask whether war criminals now reside in this country who committed their dastardly deeds in the following countries, in Cambodia, under the Pol Pot regime, between 1975 and 1978, in which two million people died; in Indonesia, in the abortive coup and massacres in 1965 and 1966, in which 500,000 people died; in East Timor, between 1975 and 1980, when 100,000 East Timorese died; in Korea, from 1950 to 1953, when 2.8 million people died; and in Vietnam, where over three million people have died in the various wars since 1945.

Mr N. A. BROWN (Menzies) (12.33)—The House is debating the War Crimes Amendment Bill 1987, which probably should be called the War Crimes Bill 1987 because, although it purports to amend the original War Crimes Act, it is in fact, both in form and in substance, an entirely new piece of legislation. What this Bill attempts to do is, in effect, to confer jurisdiction on the Australian courts to try Australian citizens and residents for offences which are defined in the Bill as serious war crimes.

The honourable member for Flinders (Mr Reith) has indicated that the Opposition will support the Bill but will move a number of quite significant and substantial amendments to it. I make it plain that my original concern about the way in which the Government is approaching this very vexed problem has led me to the conclusion that we should support this legislation, but only on the basis that, in the first place, the amendments that have been outlined will be implemented and, secondly, that the Government will act with very great care in implementing this Bill when it becomes law.

It should be understood that the amendment and the amendments that the honourable member for Flinders moved and foreshadowed, respectively, are not mere technicalities; they are amendments of substance and should be seen in that light. Firstly, we believe very firmly that if this Bill is to become law, as the Opposition's second reading amendment makes it plain, the Special Investigations Unit which has been set up should be wound up after about two years. We certainly do not want it meandering around the world into the foreseeable future. Therefore, we believe whatever work it has to perform should be completed within about two years.

Secondly, if there are to be prosecutions, and after all that is what is at the end of the road—a prosecution which will be heard in an Australian court—they must be initiated within three years from the date of proclamation of this Bill. After all, we are concerned with events that occurred 40 years ago and in some cases more than 40 years ago. Sooner or later the matter must be brought to an end. Therefore, we believe these prosecutions, if they are to be brought, must be initiated within three years from the date of proclamation of the Bill.

The Opposition has proposed a further amendment in respect of evidence. One must remember at all times that it is not simply a matter of conferring jurisdiction on the courts. It is not simply a matter of creating a situation where certain offences may be prosecuted because at the end of the day there must be evidence. It is in the area of evidence that I have probably my greatest concern about the way in which the Government is approaching this matter.

I believe there is a strong case for supporting the foreshadowed motion of the shadow Attorney-General, the honourable member for Flinders. He has indicated that we will move a motion, the effect of which will be that there be a reference to the Standing Committee on Legal and Constitutional Affairs, and that that Committee should inquire into and report on a number of matters in substance, the most important being the procedures that should apply in the collection of evidence in foreign states. The evidence that will be used in these proceedings will, to a large extent, be evidence that will be collected in foreign countries. The motion goes on to provide that the inquiry will be into the most appropriate procedures for presentation of that evidence in an Australian trial. Finally, it will inquire into the most appropriate procedures for instituting and conducting war trials.

The Opposition will move that motion. It is substantial because it goes some way towards removing what I think are some of the dangers that will emerge from prosecutions which are launched under this Bill when it becomes law. They are problems which the United States of America and Canada have already had to grapple with. Cases have arisen where very grave doubts have been cast upon the reliability of the evidence which has been collected, particularly in the Soviet Union and its satellites.

We will also be moving an amendment to the effect that the Attorney-General will not consent to the extradition of a person in respect of a

war crime if the request for extradition is received from the Soviet Union or an East European country, or in any other case where the magistrate, who is to determine whether the person concerned is eligible for surrender, is not satisfied that a *prima facie* case has been established that the person has committed the alleged offence. We believe they are all safeguards for a system which is new. Without the safeguards being built into it, one could not help but conclude that a very precarious system is being introduced by this legislation; that it could give rise to great injustices and at the end of the day not produce the results that everyone wants to achieve. Of course, that result is to bring to justice individuals, if there are any, against whom a case can be made out that they have committed serious war crimes.

I have only a limited time to deal with this aspect, but I have said that my main concern is in this evidentiary area. From what we have been led to believe, partly as a result of a propaganda campaign that is being waged in certain quarters, notably in the Australian Broadcasting Corporation—if we believe what is being said—situations will arise where evidence will have to be taken in the Soviet Union and in Latvia, Lithuania and Estonia. I have grave cause for concern about whether evidence taken in those countries will be reliable. When one looks at the system of so-called justice that exists in those countries, one must have grave doubts about whether the evidence is genuine and honest. One must have grave doubts about whether the evidence is fabricated or invented and whether documentary evidence is forged or, at the very least, whether attempts are made to forge or fabricate evidence.

In his second reading speech, the Attorney-General (Mr Lionel Bowen) said that there will be no specific changes to the law of evidence in Australia and that we will rely upon the provisions in the Commonwealth Evidence Amendment Act which provide for evidence to be taken overseas for proceedings conducted in Australian courts. I am aware of the fact that that Act provides for a procedure for evidence to be taken overseas. I am also aware that it provides for a discretion in the Australian courts to exclude evidence which is received from overseas. In my view that by itself is not enough. It is one reason why I support strongly the amendment to be moved by the shadow Attorney-General for an inquiry into the best and proper way of collecting this evidence in overseas countries.

The safeguards, if that is what they are, built into the Evidence Amendment Act are not good enough for two reasons. Firstly, there is a world of difference between seeing a witness in the witness box, observing his demeanour or listening to his evidence as it comes out, particularly under cross-examination—observations which enable a court to decide whether the evidence should be admitted—and evidence which comes in the form of a transcript from an overseas country. With the best will in the world, evidence which is taken on commission, as it is called, is not as good as evidence that is presented in a court before a judge and jury so that they can observe whether or not the witness is lying. They can observe for themselves whether the witness is a witness of truth.

It is not enough to say that there is a discretion in the court. There is great scope for injustice to be done if no change is made to the evidence law of this country. If no change is made to the evidence law before this Bill is put into operation, we are opening the door to a situation where evidence will be heard in, for example, Latvia before a Latvian tribunal, run by the Latvian authorities, with witnesses who, for all we know, may have been worded up, threatened or intimidated. There is a great danger of fabricated documentary evidence and a situation generally where the evidence would not, by a mile, be even contemplated as being evidence that would be adduced in an Australian court. Perhaps I will be able to further my remarks when the debate resumes.

Mr DEPUTY SPEAKER (Hon. J. D. M. Dobie)—Order! It being 12.45 p.m., the debate is interrupted in accordance with sessional order 106A. The debate may be resumed at a later hour. The honourable member will have leave to continue his speech when the debate is resumed.

AUSTRALIA CARD BILL

Mr TUCKEY (O'Connor) (12.46)—Mr Deputy Speaker, I move:

That this House notes that the Government has withdrawn the Australia Card Bill.

On 23 September the Leader of the Opposition (Mr Howard) asked a question of the then Minister for Health, the honourable member for Bonython (Dr Blewett), regarding the Government's ability to introduce regulations to activate its Australia Card legislation. At that time, the Minister in his answer showed considerable caution. The Prime Minister (Mr Hawke) in his chair laughed—in fact, he scoffed—at the thought

that the Opposition may have discovered something that could upset his commitment to imposing an individual dossier system on the people of Australia. His front bench, sitting behind him at that time, showed some consternation.

It was interesting that when the question was asked, only the Prime Minister lacked the intelligence or knowledge of parliamentary procedure to recognise the gravity of the situation. Before Question Time was over, there was both outrage and joy in the ranks of the Australian Labor Party. The next day, the Government attempted a very childish censure of the Opposition; childish because it was claiming unprecedented action by an Opposition which threatened to disallow regulations to stop this particular legislation ever having the effect on the Australian community which, of course, the Government intended.

This was notwithstanding the actions of Senator Murphy on 20 June 1967 when, by his action and by in fact a previous motion, he forced the recall of the Australian Senate to defeat regulations designed to implement the then Government's financial policy. In participating in the debate at that time, the honourable senator said, referring to a most unprecedented move to use the power of disallowance of regulations in the Acts Interpretation Act to stop government financial policy, the increasing of revenue in this particular case, something that has been the subject of further debate in this place since 1975:

What we are doing here has, without doubt, the support of public opinion and the Government of this country will learn that, if it is not prepared to accept public opinion when it is clearly expressed, methods will be found, as they have been found on this occasion, to force the Government to bow to public opinion.

Of course, the Opposition, in announcing its decision to take this very unusual action to defeat certain legislation, was reflecting public opinion and reflecting it in the proper fashion of any opposition in its role of protecting the public from a voracious government. The Opposition was very, very proper in maintaining its position in that regard. It was also quite right for the opposition of the day to identify the inefficiency and the ineffectiveness of government legislation, a government that chose to use a regulation procedure when, of course, other procedures were available to it, such as the proclamation of a particular date. We know why it wanted the regulation road. We think it might have understood it, but it took the option on the grounds that it gave it more flexibility than would a straight proclamation.

Mr Deputy Speaker, as this Parliament approaches its Christmas recess, it is timely that this motion should come before the Parliament as evidence of a government that is increasingly losing touch with its traditional constituency, has become arrogant, and of whom there is increasing evidence of incompetence. I have never been very impressed with members of this Government's administrative or economic competence. But if I ever wanted someone to go up and sell refrigerators north of the Arctic Circle, I would invite them to do the job. Their salesmanship is so good they are even convincing themselves.

They created the myth of the nation's best-ever front bench and they have got to the point of believing their own publicity of self-congratulation. There is not a person—backbencher or frontbencher—who does not get up in this Parliament day after day telling us how good he is. The people who are suffering in our community from some of the Government's actions—in my responsibility for health I am getting letters from them every day as the queues extend for public hospitals—find that the private hospital cover they have through private insurance is meeting about half the cost of their going to hospital; those people are in great concern and this Government is ignoring them.

Just the other day I got a letter from a gentleman who has been waiting in a good Labor electorate for a long time for surgery to fix his arthritic knee. They have had him on drugs for so long he has an ulcer and they have now told him he has another four years to wait. That is the situation. The letter I have is addressed to the Minister telling him of this and I have a copy of the Minister's official reply which sort of says, 'Well, we are doing our best'. That is not something for self-congratulation but this Government participates in it all the way.

Mr Deputy Speaker, a high-class front bench requires more than the ability to articulate juvenile argument. We get it in here every day. First it is a history lesson: 'We could not possibly be as bad', they say, 'as somebody in the past'. That is supposed to be an excuse for leaving people in pain and suffering or for messing up other decisions. If we do not get that we get this argument: 'Well, my Dad can beat your Dad'. Or we get the numbers argument: 'We have more seats than you; we must be right'. They might be good arguments in this place if Australia ended at these four walls but the responsibility of government in Australia does not even cease at our shores. The responsibility or the requirement for a high-class front bench is the

ability to make judgments, to assess departmental regulations and to understand legislation. That is most important to this particular debate. Most importantly of all, a government must understand the proprieties of holding office.

Whilst the evidence was mounting of this Government's incompetence and its arrogance, the Australia Card fiasco was the ultimate example of an incompetent, arrogant and uncaring government. I wish to promote those views to you now, Mr Deputy Speaker. This is a simple example. It was proved yesterday in the debate on Amann Aviation Pty Ltd that this Government is totally reliant on the advice of its officials and incapable of such a simple judgment as to the ability of a tenderer for a \$17m—or if you like, a \$20m—contract which has no money, no planes, no staff and no experience. A Cabinet that claims to be the best in the history of Australia is so incompetent that it relies completely on its officials. As the Minister told us: 'Do not blame me, I trusted my officials'. If you are going to trust officials to the point that you are so incompetent that you are unable to make a simple judgment on that information, that someone wants a \$17m contract in coastal surveillance and has no planes, no money, no experience and no staff, why bother to have a Cabinet at all? Why not just let the officials run the country, as I am sure they have for the last four or five years? It is more by good luck than good judgment that this Government can claim success in everything.

Returning to the Australia Card, or the ID card as I choose to call it: it is no secret that ID is always spelt capital I, full stop, capital D; and that it is very unusual to use the first two letters of 'identity'. The origin of ID is 'individual dossier' and that is what this Government intended. It will not matter if some of the Government backbenchers scoff here today; the reality is that the Government was moving to that and had every intention of having an individual dossier on every Australian. The problem was that Australians eventually woke up.

The Opposition stuck to its guns on the ID card. We read the legislation, unlike the media representatives in the Press Gallery who did not bother, who tried to give Australians advice on their opinions as to whether the Opposition was right or wrong politically to take this very principled position. It was not for them to read the legislation or for the financial newspapers to tell their readers the facts. Think of the poor devils who pay 80c every day for the *Australian Financial Review* thinking they will get some in-

formation out of that. It was not for them to tell members of the Australian business community that they would be up for a \$20,000 fine or, if they were incorporated, a \$100,000 fine for simply failing to ask a new employee to produce his ID card. No comparison was made that there was no fine whatsoever for the employees and, in fact, they could have the job if they failed to produce the card. It was not for the media representatives to tell Australia that; they left the people in the dark like mushrooms. But, of course, the efforts of the Opposition persisted. It stuck to its guns and, in fact, copped an election at a time when, because of external influences, we were suffering quite considerably.

The whole situation was that the Opposition still did not lose its courage on the ID issue, it knew that it was bad news for Australia. The Opposition stuck, it copped the election but it was eventually able to save Australia from some draconian legislation that Australians eventually came to conclude was not in their interest.

What was the Government's defence of this draconian legislation? Did it ever try to explain why it was necessary to conscript the Australian business community under huge fines as the enforcers of this legislation? Did it ever come in and try to run those sorts of arguments? No. Whenever anybody got up—and I am talking about a broad section of the community—and said, 'I think I am opposed to this, I am concerned for my security, I am concerned for my privacy' he was told, 'You must have something to hide, you are the protector of cheats'.

We killed that argument not that long ago because I made a few suggestions. If the Government wants to play that game I will give some evidence of where others can be accused of that particular trait; not in any general terms but specifically, and never tempt me to do it. The point about it is that it stopped and was wise to stop.

Mr Holding—Come on, who do you think you are?

Mr TUCKEY—I will throw a name in like Cheryl Bugden.

Mr Holding—I don't know who she is.

Mr TUCKEY—No, but if you want to go and check the records you will know all about social security cheating and you will know about it being hidden because Cheryl Bugden is an alias for someone who was getting social security funds.

Mr Holding—What do I know about that?

Mr TUCKEY—Some people in your Party know a lot about it.

Mr Holding—You are the great protector of public reputations, aren't you?

Mr TUCKEY—Do not worry about that. We are here today to state the position of the Opposition because we stuck to our guns. We did not give them that sort of aggressive defence. We went to the issues. The issues of our objection were that it was a highly intrusive piece of legislation that was going to affect people's personal privacy considerably and it was going to create a computer network about which, of course, there are still some questions. I am pleased to say that the Opposition parties are accepting the invitation of the Minister for Social Security, Mr Howe, to go down and look at the Deakin Centre. I do not know why it has taken a fortnight since he made that promise in the Parliament but we are going to have a look on the next sitting Wednesday at 11.30.

There are already about 20 of us going but there seems to be a hell of a problem. I do not know what is being swept behind the curtain before we get there but at least we have shown the interest to go. I wonder at this moment how many backbenchers from the Government have decided to go. I bet there is no interrogating and security checking of Government backbenchers who want to see on behalf of their constituency what is going on down there, but we are doing our job. We were concerned and we had the Minister's assurances that landlines would be the solution to people's security. And what have we had? In Sydney the other day someone got into a major communications tunnel. We know it linked up a lot of data connections because banks and all sorts of things went off the air. The fellow got in there with an angle grinder. He was able to use an angle grinder and cut major communication wires and no one knew he was doing it.

If someone wants to get in there and do a little bit of telephone tapping—there has been plenty of evidence of it in the past—how secure is the landline? We said at the time, 'What stupidity'. If you can get a secure data processing mechanism you can cease taxing Australians. The world will pay you for your technology; you will not need any other revenue. We looked at the inconvenience for Australians; the queuing to be photographed; the queuing to go through the whole process and then go back and queue at your bank—one of 64 million bank accounts that had to be numbered. That was for innocent

Australians. The percentage of them who would be crooks was minimal.

Then we looked at the cost. We looked at the cost to the public sector of 2,000 additional public servants, the compliance cost of the private sector and all the costs, inconvenience and loss of business that would be associated; having to drive across Sydney to initiate some business because the card legislation required that you produce the card personally every time you wanted to start a new bank account. Every time you wanted to do business with new real estate agents you had to travel to them, or to stock brokers and everyone else. This high inconvenience was shrugged off by the Government, but it was there in black and white.

As I have said previously, it conscripted the Australian business community. If the Government wants to impose laws on Australia why then fine thousands of Australians if they fail to enforce its laws for it? There were practically no fines for people who broke the law in terms of the operation. All the big fines were for people who failed to report on their staff or their clients—\$20,000 and \$100,000. And there was the opportunity for criminal activity. We were told that the card was as difficult to forge as the currency. That is pretty encouraging, is it not? What is more, of course, when forged currency is used the evidence is left behind. When a forged card is used, it is not. People, of course, were going to find that criminals using their card, their plastic identity, would have left them in the position of being interviewed.

Mr Fitzgibbon—I have still got \$100.

Mr TUCKEY—Was it you? I have got the evidence. I am pleased to identify who it is. We will come round and claim it. We wanted to find out who it was. Finally, the card would not have worked. I want to touch on the attitude of the Government, this arrogance of the Government when it was quite clear that public opinion was rapidly mounting against the card. Polling support was dropping and this poll-sensitive Government will not even bring out a mini-Budget until it has polled it. It found out, for instance, that defence is no longer a matter of concern in the community so it did a major cut on that. That is a matter of history.

Mr Holding—But you believe in cuts.

Mr TUCKEY—I do not believe in cuts by polls; I believe in expenditure for the good of Australia.

Mr Holding—Your Leader is committed to cuts in defence.

Mr TUCKEY—We will cut where we think it is in the interests of Australia. We will take some judgments. We will not be run by the Australian Nationwide Opinion Polls Pty Ltd. But 68 per cent of Australians, uninformed as they were at the time back in June 1986, approved of a card. By September 1987 only 39 per cent approved.

Mr Simmons—Disinformation.

Mr TUCKEY—Disinformation, my foot. I have just given you the information. Disinformation was, in fact, when this Government had only one explanation for the card: 'You are a cheat if you do not support it'. It never got to the issues. The point about it was we had a Prime Minister going around and telling Australia about the card. When people said they did not want it, and many members of his own back bench were telling us that, he said, 'If people want to talk about introducing decibel democracy in this country they are talking to the wrong Prime Minister and the wrong government'. In other words, never mind the voice of Australia, the 20,000 or 30,000 people who marched in Perth, the thousands of petitions, the 21 bags of mail a day. The Prime Minister was too big and above ordinary Australia to take any notice of that. His arrogance was such that he was not going to listen to decibel democracy. He will listen to a few greenies if he thinks he can pick up 1 per cent, but when 60 or 70 per cent of Australians were against the card, his arrogance was such that he would not do anything about it.

Mr Fitzgibbon—I raise a point of order.

Mr TUCKEY—You can have the floor in half a second; sit down. It is the first time I have ever seen you open your mouth in this place. Why do you not open your mouth on behalf of your own constituents? I talk intelligently and I have got no problems with my shire, not like you.

Mr Fitzgibbon—He is wrong; he has lost his marbles.

Mr DEPUTY SPEAKER—Order! The honourable member for Hunter has a point of order, which I hope is not a frivolous point of order.

Mr Fitzgibbon—The honourable member who is speaking promised to call round to my office and pick up \$100.

Mr DEPUTY SPEAKER—There is no point of order.

Mr TUCKEY—You are an idiot.

Mr DEPUTY SPEAKER—Order! The honourable member will not bring forward frivolous points of order.

Mr TUCKEY—The Prime Minister called some decent Australians 'a funny collection of people who have been brought together in this noisy debate'.

Mr DEPUTY SPEAKER—Order! The honourable member's time has expired. The honourable member for Hunter has a point of order?

Mr Fitzgibbon—I was going to ask whether the word 'idiot' is parliamentary.

Mr Tuckey—It certainly applies to you.

Mr Fitzgibbon—Could I ask that the honourable member withdraw that statement?

Mr DEPUTY SPEAKER—I ask the honourable member to withdraw the words to which the member objects.

Mr Tuckey—I will withdraw the word 'idiot'.

Mr Jull—I second the motion and reserve my right to speak.

Mr ROBERT BROWN (Charlton) (1.06)—We have just heard another tirade from the honourable member for O'Connor (Mr Tuckey), which concluded with a considerable degree of incoherence and excitability. I wondered why, on occasions, Government members would ask that the honourable member for O'Connor resume the medication. Towards the end of his contribution the justification for that sort of interjection became apparent. He has moved that this House note that the Government has withdrawn the Australia Card Bill.

Mr Simmons—He is very perceptive.

Mr ROBERT BROWN—Remarkably perceptive. He moved:

That this House notes that the Government has withdrawn the Australia Card Bill.

I thought that the Parliament was already aware of that. I thought that the Australian people were also aware of that. If the Opposition believes that for procedural purposes of some kind the Parliament should note that, there would not be any strong objection on our part. We would prefer to ensure that the Australian people noted the reasons it was withdrawn and also noted the implications of that withdrawal.

Let us examine then, very briefly, Mr Deputy Speaker, the background to the withdrawal of that legislation. First of all, the Australia Card was endorsed by the Government at the Tax Summit in 1985 and, following that, it was overwhelmingly endorsed by the Australian people on every occasion and in every way that the Australian people had the opportunity to express

an attitude towards it. The Joint Select Committee on an Australia Card reported on 8 May 1986, and following that report the Government adopted the essence of the minority report and introduced legislation on 22 October 1986 in order to give effect to the introduction of the Australia Card concept. That was rejected by the Senate.

It was rejected by the Senate as a result of an alliance which was maintained between the Liberal Party, the National Party and the Democrats. It was reintroduced into this House on 18 March 1987. It was again rejected by the Senate, again by the same alliance, by the same forces. As a result of the double rejection of that legislation by the Senate, a constitutional trigger of course was created, which enabled the Prime Minister (Mr Hawke) to seek a double dissolution. A double dissolution was granted by the Governor-General and, as a result of that, we had an election on 11 July 1987.

Mr Simmons—Who won?

Mr ROBERT BROWN—The honourable member for Calare perceptively asks: Who won? Who, indeed, won? The issue was the Australia Card. That was both the trigger and the purpose of that double dissolution and the Australian people not only returned this Government but, as the honourable member for Calare is ready to advise me, returned this Government with an increased majority. What greater confirmation, Mr Deputy Speaker, could there be of the overwhelming support of the Australian people for this concept and for the purposes of the Australia Card than such a result?

In line with the usual procedures to be followed, the legislation was then reintroduced, following the success of the Hawke Government again, on 15 September of this year. It was passed through this chamber, as it has been on every occasion. The Senate laid the Bill aside; in other words, the Senate refused to pass it. The Opposition in the Senate then used a procedural tactic to prevent a joint sitting of both Houses of Parliament in order to give effect to the legislation. It used a procedural tactic to make it perfectly clear that it would prevent and frustrate the possibility of the Australia Card proposal being implemented.

We might well examine the credentials of the person who has been responsible for moving this motion today, the honourable member for O'Connor. He was a member of the House of Representatives Standing Committee on Expenditure when it undertook an inquiry into an efficiency audit report concerning the Australian

Taxation Office by the Australian Audit Office. The honourable member for O'Connor was a member of that parliamentary Committee which recommended only late last year that with or without the adoption of the Australia Card the Australian Taxation Office should take the necessary steps to establish a high integrity identification system which would ensure maximum taxpayer compliance. The honourable member for O'Connor and I were members of that Committee.

Despite the fact that that was a finding of that Committee, a report in the *Daily Telegraph* on 7 October this year refers to the fact that the honourable member said at a brief impromptu news conference that the Opposition would reject any moves to extend the numbering system to social security uses. The report said that he told the *Daily Telegraph* that he 'may have exceeded his brief' when he made those remarks. He said, 'I guess I have got to admit that I exceeded the brief that I had from the shadow Ministry'. The Government has now adopted as a second alternative an increase in the integrity of the tax file number. Despite the fact that the honourable member for O'Connor was going against the brief that he had been given by the shadow Ministry, he indicated his personal position on it.

I think it is appropriate for us to examine what some more responsible commentators in the community have been saying about this question. The *Launceston Examiner*, for example, on Thursday, 1 October said:

Many of those politicians crowing over the ID card victory would be well advised to remember its defeat owes little to their intelligence or courage . . . The Card has been torn up. Those who shredded it now face the challenge of coming up with a workable alternative.

The *Courier-Mail* on 30 September said about the Australia Card: 'The reasons for the card are just as relevant today as when the Government first promoted them'. The *Age* on 1 October said, 'To its credit, the Government remains determined to diminish tax evasion and welfare fraud'. It is a pity that we could not find allies in this Parliament.

The *Sydney Morning Herald* on 1 October asked, 'Does Mr Howard doubt that up to \$900m a year is being lost in this way?' It was referring to tax evasion and social security fraud. The *Sunday Mail* on 27 September said:

'The original and noble aim of the ID card was to make it easier to catch the smart money, those the Government estimates are ripping off \$1,000m a year from the taxpayers in tax and social security fraud.

The honourable member for O'Connor moved this motion here today. What are his credentials for his more recent expressions of concern about civil liberties? I have here an article from the *Sydney Morning Herald* of 5 October, written by Mr Simon Davies. He was the campaign director of the Australian Privacy Foundation which launched a continuing campaign—

Mr Tuckey—He showed considerable concern for privacy, didn't he?

Mr ROBERT BROWN—The honourable member for O'Connor knows what is about to follow. Simon Davies, who led the campaign for the Australian Privacy Foundation against the Australia Card, referred to its allies. He said, for example, that the Liberal Party proved to be less than adequate campaign partners. He said that the Nationals were marginally more helpful. But then he goes on to say:

Senator Ron Boswell rang the foundation at the outset of the campaign seeking assistance for a private member's bill for a referendum on the card. But Senator Boswell was blocked by shadow cabinet and his bill was usurped by the Liberals. When my disappointment was conveyed to Wilson Tuckey he responded, 'Boswell will do what he is bloody well told or we will toss him'.

That is a quote by Simon Davies of the honourable member for O'Connor, the latter-day civil libertarian, the defender of the rights of the Australian people, that gentleman who will go to the wall to the last drop of blood defending the rights of the Australian people against the ID card. Witness after witness, informed witness after competent witness, concerned witness after witness, advised that Committee to which the honourable member for O'Connor and I both belonged that there was no single measure which could have been adopted by the Australian Government or by the Australian community which would have had the effect of dealing so effectively with social security fraud and taxation evasion as the Australia Card proposal.

How much was to be involved as a result of the introduction of such a proposal, the adoption of such a concept? Two and a half million dollars in social security fraud and tax evasion every day. Let me make it clear that the people I represent, the pay as you earn taxpayers, are paying on a per household basis something like \$30 a week in extra tax to compensate for the sharks.

Mrs Darling—Shameful.

Mr ROBERT BROWN—As the honourable member for Lilley interjects, it is shameful. Of course it is shameful. And why should there not be such an interjection because of the concern

that the honourable member for Lilley and other members on this side of the Parliament, at least, have expressed? I refer to the concerns that have been expressed about the social inequalities and the social inequities and the injustices in Australia that this Government is determined to overcome and stamp out.

Mr Tuckey—Mr Deputy Speaker, I raise a point of order. There is a responsibility on honourable members not to quote the opinions of others when they are not their opinions. I think the honourable member for Lilley should stand up and say whether she supported the ID card. I do not think she did.

Mrs Darling—I did. Yes, I did.

Mr Tuckey—You did? It is nice to have it on the record.

Mr ROBERT BROWN—The honourable member for O'Connor gets so excited when people are taking frivolous points of order against him. This is typical of the approach that honourable members opposite have adopted. The incredible thing is that while they were mouthing platitudes about their concern that debate be widespread through the community, every time that the former Minister for Health, the honourable member for Bonython (Dr Blewett), got up in this chamber either to promote or defend the Australia Card they called a quorum against him in order to make sure that his time was minimised. These are the great civil libertarians. These are the people who are concerned about protecting rights. They are not concerned about protecting rights; they are not even concerned about protecting the rights of their colleagues within this chamber. They are not even concerned about protecting the responsibilities of this institution when they call quorums in order to ensure that the Minister for Health is not able to use the time otherwise available to him to promote and defend the proposal.

We have had misrepresentation after misrepresentation. All honourable members know the sorts of suggestions and comments that came through to them in legislation. The honourable member for O'Connor, in a censure motion debate in September, said of the Australia Card proposal, 'That system will even deny the ordinary Australian people the right to sell their own labour'. I have not heard the honourable member for O'Connor on very many occasions express concerns about the rights of workers, the rights of the trade unionists.

We heard the same type of misrepresentation even today when he said that the employers

were going to be subjected to fines of something like \$10,000 if they failed to get the Australia Card number of someone whom they were going to employ. He suggests that they would conveniently forget that that was a requirement of the legislation. The only people, as the honourable member for O'Connor well knows, who would fail to seek that number are those people who were trying to hijack the taxation system. You always build into legislation means to enforce it, and that was one method.

We all know that the continuing losers as a result of the withdrawal of that legislation, the non-effect of that legislation, will be the Australian people forever into the future, to the extent of at least \$1,000m every year.

Mr DEPUTY SPEAKER—Order! The honourable member's time has expired.

Mr JULL (Fadden) (1.21)—Mr Deputy Speaker, the General Business motion today simply points out that the House should note the withdrawal by the Government of the Australia Card Bill. Yet it is interesting, following the past speech, to see just how much heat is still generated in this place and, indeed, is still generated throughout the Australian community by the whole proposition of an identity card system for Australia. I am sure that many honourable members in this place are still receiving mail on it. We are still seeing petitions being presented to this Parliament from people who are concerned that although this particular Bill has been withdrawn, perhaps the Government is not completely clean on its future intentions in terms of a national identity system.

As early as this morning through the mail I received a document called *Inside News* from a fellow called Peter Sawyer. I have no candle for Peter Sawyer; I do not know the man. But I opened up this particular document at a feature article on page 2, 'The National Identity System'. That goes for four or five pages in which he is expressing concern about what is happening behind the scenes with the Government. I hold no candle for this particular gentleman, Peter Sawyer, but I must say that questions are raised in this particular newsletter that have been asked by literally hundreds of Australians.

As I said, many of us in this House are still getting questions from concerned citizens about what the Government is doing, about what is happening down at Deakin, what the national computer system at Deakin is really all about. We have all had mail, I am sure, about what the Government is doing in having so many plastic cards printed. In this article of Sawyer's,

one of the things that he says is that although the ID card legislation has been temporarily defeated, activity is still going on. In *Inside News*, he says:

The plastic cards that WILL become your ID card have been produced at a variety of small companies, principally NuLite plastics, Brookvale, Sydney. They have now been passed on to EMI-Thorn—

even though that company is going through a change of name—

for laminating and inclusion of magnetic strip. And anybody who still thinks this was something to do with social security and tax fraud should ponder on just two of the questions from the 'Application Form', namely 'What is your religion?' and 'What is your sexual preference?' Twelve million of these forms were printed at the Moore Paragon high security complex at Wodonga, Victoria, at taxpayer's expense, and ALMOST all twelve million were shredded, again at taxpayer's expense, when it became clear that there had been a breach of security at the plant. Presumably they are now being reprinted elsewhere.

I do not know whether Peter Sawyer has the sort of information that may be strictly correct, but it seems strange to me that so many people throughout our community are asking questions about what is really going on. Can we get somebody from the Government to explain what the printing of 12 million plastic cards is all about and what those particular application forms were all about? Has it got anything to do with the ID card? Has it got anything to do with the applications that were to have been made by all members of the community or does it have something to do with the high profile tax numbering system that is being promoted as an alternative?

We know that the Australian Taxation Office is considering that particular possibility but what we do not know yet and what it is almost impossible to find out is to what extent that high profile tax file number will be used and whether or not this is just the ID card under another name. If it is, all Australians should be vigilant because it is true that there has not been a single issue in the Australian community since the Vietnam war that has caused more concern, that has seen greater activity by the public. We would all remember those tremendous rallies around Australia as literally tens and tens of thousands of people went into the streets to protest against a national ID numbering system. That is a guarantee that the Opposition parties would want, that the last thing that we would want to see inflicted on Australia is the ID card under any other name.

The honourable member for O'Connor (Mr Tuckey), who led the debate today, made men-

tion of the national computer system down in Deakin and explained how, after a lot of asking, a group of Opposition members of Parliament will be allowed to go down there, I think next Wednesday week, to inspect the show, to try to find out what it is all about. Let me refer again to the Sawyer newsletter because this particular gentleman, rightly or wrongly, decided he too wanted to find out what was down in that particular centre. I am quoting from his newsletter *Inside News*. Sawyer said that he rang and asked the Department of Social Security here in Canberra whether he could speak with someone involved with Stratplan. The person on the other end in the Department of Social Security said, 'What's that, sir?'. He said, 'Stratplan'. She said, 'I am sorry, I have never heard of it. What does it do?'. Mr Sawyer claims that he said, 'You mean you have never heard of Stratplan—your Department has spent hundreds of millions of dollars on it. Have you just started there?'. She said, 'No, sir, I have been here nearly three years and I have never heard of it'. She said to wait a minute and she would try to find out. She came back and said: 'You want our section down at the national computer centre'. 'The what?'. He was told, 'The national computer centre'. 'What is that?', Mr Sawyer asked. She said, 'It's this bloody great huge building where all the government departments share this massive computer complex'. Mr Sawyer, 'You don't happen to know where it is?'. She said, 'Yes, sir, in fact I drive past it on the way to work. It's a really awful concrete place in Kent Street'. Mr Sawyer said, 'The name you gave it, the national computer centre, is that just what you call it or is that the official name?'. She said, 'No, that is its real name. It's listed here in my internal directory, the National Computer Centre, Kent Street, Deakin. Would you like the number?'. He said: 'Yes'.

The newsletter goes on that he rang up the national computer centre on the number he was given and the person who answered the phone said, 'What do you want?'. Mr Sawyer claims he said, 'I was just trying to find out if you people were the only ones leasing space at the Deakin Centre or if you had any neighbours'. The voice on the other end said, 'What! You are not supposed to know about that'. Sawyer: 'Why not? It is not a secret installation or anything. It is supposed to be a telephone exchange'. The voice on the other end of the phone said, 'No, it is not a telephone exchange and what we do down here is not for members of the damned public to know'. Mr Sawyer, 'Hang on a minute, we damned public paid for the place and for

you, and if you are doing what I think you are doing, we have every right to know'. 'And just what do you think we are doing?', asked the gentleman. Mr Sawyer said, 'I think you have put together a massive computer complex that's got a dossier on every Australian citizen and you are keeping tabs on everything that we do'. The man down at that particular centre replied, 'Listen, smart alec, I don't know where you have been getting your information, but what goes on here is none of your or anybody else's business. You're harassing me and you are delving into matters the public aren't supposed to know about. If you are not careful, I will put you through to security. They'll trace your call and I'll have you arrested'. If that particular conversation is true, it is pretty scary stuff.

Mr Robert Brown—How was it recorded?

Mr JULL—I do not know. I am just quoting out of this particular document. Those matters have been raised by a great number of people, and I am asking that the Government should really tell us what is happening down at the national computer centre. What is happening with the printing of these additional plastic cards? Is there need in our community to have a real concern that although the ID card legislation might have gone, the Government is still proceeding on another road looking for some form of national identification system? If that is the case I think we should all be concerned, especially if we do have that interaction of information, if we do not have those security safeguards, if we do not have those secure networks, to make sure that the civil liberties of all Australians are not going to be attacked.

I will never forget that the provisions of the Australia Card Bill were really the most draconian of any Western nation. I think it is good that Australians are reminded that our system had more information contained with it, more interaction between departments, than any other type of identification system used by any Western democracy. It was interesting because I think one of the most telling articles during the ID card debate appeared, in fact, in the *Canberra Times* on 7 September of this year. The *Canberra Times* through its London agency did a survey of all the countries of Western Europe which, in fact, had ID cards. Of the 13 Western nations, only four had ID cards with any sort of interlocking. Of those, Denmark had the one that probably came closest to the system in Australia. Yet in Denmark that particular ID card did not have to be used when using a bank account; it was really an identification system.

We all remember the arguments that went on in this place and on national television about what happened in Sweden when the head of the data protection agency there got out because after 20 years the use of the identity card system in Sweden had got out of control to such a point that people had to use their ID card for almost any transaction that they wished to undertake. They did not have to join a library any more; if they borrowed a book they just used the ID card because it went on to the central computer. If a policeman picked them up for speeding or some traffic offence he had a small machine in his car in which he inserted the identification card. He found out all about them; not only the date of birth, not only whether they were married or divorced, not only if they were Swedish naturalised citizens, but he also had at his disposal taxation records and the whole personal history.

The gentleman who headed that particular agency resigned after 12 years in the job because he said, 'This whole thing is out of control. We cannot control the civil liberties of the people of Sweden any longer'. Yet the provisions that were put forward in the ID card legislation for Australia were even tougher than that. Well might we argue the need for some sort of identification card. I believe there is a great deal of sympathy on this side of the chamber for a high profile tax file number, provided it is just that; provided it is not an ID card by any other name.

I believe that if we could get a bipartisan approach on the establishment of such a card to make sure that people's civil liberties were not attacked, to make sure there was not the opportunity of abuse of the system, maybe we could proceed down that line. I found very interesting indeed the point brought up by the honourable member for O'Connor, who was talking about the situation in Sydney last weekend where somebody got into the Telecom system and cut the wires, cutting off everything from banks to TABs to government departments.

That was really one of the great fundamental flaws of the Government's argument at the time, that lack of particular security. In fact, we heard Minister after Minister get up and talk about dedicated landlines for the system. The only way that could have been done was for separate and secure channels right around Australia, not using the present network. To do that would have needed a bigger construction program for Australia than the building of the pyramids. It was as stupid as that. It could not provide that.

Mr Saunderson—What happened in Sydney did not give anybody access to information.

Mr JULL—It was very much to do with it and it was very much one of the real concerns on this side of the House. As this Parliament heads towards the Christmas recess I think it is good to let the Government and this House know that out there in the community there is a very real concern indeed about what might happen in the future, and although the ID card legislation may be out of this House at the moment we want to make sure that the Australian people are fully aware of what the implications would be if a national identification system came in by any other name. Australians must remain vigilant.

Mr SAUNDERSON (Aston) (1.36)—I suppose I am unique to most of the speakers here, in that right from the time that the question of an identity card was first raised by the honourable member for Calare (Mr Simmons), who went public some time even before the tax debate when the card became part of Government policy, I was a spokesman against what I thought was perhaps overkill in an area where there were alternatives. I say unique, because, whilst the Opposition would like to claim some credit as being the watchdogs of Parliament and want to hop on what it perceives as the band wagon of opposition out there in the community, as those who have saved the day for Australia, the reality is that when this question of an identity card was first raised, many of the Opposition were in favour of it, most of them were ambivalent about it.

In fact, they took the easy way out and sat on the fence and let the whole question proceed. They made no effort really to oppose it and even when it went to a joint select committee they were still ambivalent. I think the fact that they try to take credit for something that they had absolutely nothing to do with is the height of hypocrisy. They had nothing to do with the development of the civil liberty groups that were opposed to it; they had nothing to do with the people who examined alternative options, and they certainly had nothing to do with the reading of the legislation and the final finding of the rot of principle, which is what they ultimately adopted.

They had nothing to do with that in the terms of finding a way of stopping legislation to come through. That way was found by somebody who was not a member of the Parliament, certainly not a member of the Opposition. He spoke to a friend and that is how the Opposition announced that it would use a rot of the principles that had been adopted in the Senate and refuse to

pass regulations to allow the Act to take effect. Nevertheless, the question has been raised of what happened in Sydney. It highlights the fact that we would have been able to tap phones. In Sydney somebody broke into a cable duct and cut cables with an angle grinder. It is different from somebody digging up cable along the street. It gave no access to information, it did not provide access to the areas where someone might be able to tap phones and certainly it is no evidence as to how people would have obtained information from the Australia Card System.

I certainly am not surprised that in the legislation we had, for instance, fines against employers who refused to obtain information from their employees. Of course we had fines there, as was pointed out by the honourable member for Charlton (Mr Robert Brown). We had fines there because in any legislation there is a need to make sure that the will of the legislation is not frustrated by those who have ulterior motives. Obviously the people who would be working against a card system, or an enhanced tax file system, would be those who have profit to gain from it. The fines are there and there have been plenty of examples of people exploiting the system.

For instance, if we take some examples that were found when investigations were done by the Australian Taxation Office and the Department of Social Security in areas of fruit picking, when checks were made on people being employed, clear evidence was found that employers had allowed people to sign on in clearly false names and the employers had done nothing about it, had paid people in cash knowing full well that the names provided by them were false names. Therefore the likelihood was that those people were at least evading tax and may have been involved in other forms of misrepresentation in obtaining social security or other benefits.

Mr Tuckey—Is it a crime to do that?

Mr SAUNDERSON—I am not saying it is a crime to do that now but certainly people who encourage or assist people in doing that know full well that those people are either, evading tax, and that is a crime, or they could also be involved in obtaining social security payments clearly against the law when they are not entitled. When those people are found, they are fined and, in many cases, put in gaol. But what needs to be done is to ensure that that activity is discouraged, openly discouraged, and that employers are discouraged from doing it. The only way to do that is to ensure that there are pen-

alties if employers in fact encourage people to carry out those activities.

There has been plenty of evidence that banks have not been as strong in the area of identification of people as they should have been. In the Costigan Royal Commission on the activities of the Federated Ship Painters and Dockers Union and in other royal commissions areas have been identified where organised crime has been able to flourish—the bottom of the harbour scheme for instance—under the lax attitude taken by banks to the identification of people. Also identified were the reasons why money transfers and other transactions are taking place within banks.

It is clear that without some penalty being applied that sort of attitude will not change. There is a requirement to have penalties imposed to ensure that we do crack down in those areas, that we do pick up on the people who are evading tax and who are committing crimes and laundering their money.

I do not mind being involved in a debate about whether something is the best option, whether there are viable options. In fact, I have participated fairly heavily in this debate and I must say with some credit. People reading the Report of the Joint Select Committee on an Australia Card—I was a member of that Committee—an will find that the initial evidence and the basis for the majority report, that is, the extension of the tax file cone, came primarily from efforts of mine on the Committee and from previous papers that I had published. So I take some satisfaction in finding that ultimately we will see something which I think is probably a better system for Australia.

However, I do object to listening to spurious arguments that are raised by people, particularly members of the Opposition, who hopped on the bandwagon and who gathered support from all sorts of people who have no rational basis for their argument; people who have argued that the card was against the Bible, that it was the devil's number. People came to see us and said it was a conspiracy between Catholics and Masons to number the world. There were all those sorts of irrational and illogical arguments which have been supported by people like the honourable member for O'Connor (Mr Tuckey) and others in the Opposition in order to build up a fervour of opposition without any logic, without any basis for it. Simply because they want to oppose something so they will grab any spurious argument, any illogical argument, in order to try to gather support.

Really, there were plenty of rational arguments that could have been applied and the Opposition failed miserably. It failed miserably because its members had no principle, they had no viable option or alternative and they really were not interested in cracking down on tax evaders. Their previous history during their seven years of government was that tax evasion was the fastest growing industry while the rest of Australia was going backwards. Tax evasion was flourishing at a greater rate than anything else. They assisted it; they turned a blind eye to it and they have shown in their opposition—not just to the Australia Card but in their attempts now—

Mr DEPUTY SPEAKER (Mr Ronald Edwards)—I interrupt the honourable member for Aston. It is now 1.45 p.m. In accordance with standing order 109, as amended for this session, the debate on the motion is interrupted.

Motion (by **Mrs Kelly**) agreed to:

That the time for discussion of Notice No. 1, General Business, be extended until 2 p.m.

Mr SAUNDERSON—I was about to conclude by saying that they are attempting now to build some spurious case in which they can mount opposition to the extension of the tax file number. They will not support it because they have no commitment to cracking down on tax evasion, they have no commitment to cracking down on organised crime and the laundering of money. In reality, their opposition to the card is the same as their opposition will be to the tax file number; it will be false, premised simply on their desire to support those who are gaining profits from the evasion of tax and organised crime.

Mr COBB (Parkes) (1.46)—Mr Deputy Speaker, I am glad that the honourable member for O'Connor (Mr Tuckey) has started this debate here today because, if nothing else, it has demonstrated that this Government is still for the ID card. We have had two of its speakers on their feet, passionately defending what the Government tried to introduce into this country, what the people of this country did not want; namely, an identity card, a plastic tattoo that everybody would have to carry around, that nearly caused a revolt in this country before it had to be dropped. Government members have the gall to stand up today and still defend it, two months after it has been dropped. It makes one wonder whether one has to be vigilant to stop this card being brought in by the back door.

I do not think there has been any government in Australia's history since Federation that has

been more out of touch with the Australian people on a single issue. It attempted to bring this legislation into being back in November 1986 and passionately defended it then until 23 September of this year before we were able to get it blocked. The people of this country were almost in revolt. There were people from the Left, people from the Centre, people from the Right, united in their desire against it. And as more and more became aware of what was in the legislation, more and more Australian people united in their attempt to defeat what became known as the Moscow card.

Many members of the Government, I think, in the end were desperate to get the legislation dropped. I must say that it was becoming an embarrassment to them. I know there was some relief in the Australian Labor Party (ALP) when it was finally let off the hook and the legislation had to be dropped. I am proud to say that on this side of the House we opposed the Australia Card from day one. When the legislation was first mooted many of us said that we would look at it with an open mind and some of its supposed aims we supported. But when we saw the detail of the legislation we were horrified.

It took six to 12 months to get this through to the Australian people but when we finally did, with the help of many other people, they became revolted by what they read. The aims, of course, were that an ID card, if it was brought in, would collect more taxes but that it would control people's lives and it would set up a dossier on just about every individual in this country. As time went by it was gradually revealed that there was a plethora of anomalies in the legislation, that it would be a gross invasion of people's privacy and that it would hardly touch the things that it was supposed to touch.

I guess in the first instance many people were attracted to it because they thought it would stop social security fraud and I even had some attraction to this aim when I first heard it. But after looking at the legislation and seeing the evidence from the Social Security Department, we realised very quickly that it would hardly touch welfare fraud at all.

Another one of its great aims was to stop organised crime in this country. Costigan was one fellow who was going to do something about organised crime in this country, until he was cut off at the knees by this Government. The Costigan Royal Commission on the activities of the Federated Ship Painters and Dockers Union said that the card would not be effective. There are even people like Merv Beck in my electorate,

the famous New South Wales policeman, who showed that he could do some things in closing down casinos years ago. He said that the card would even help organised crime, but the Government took no notice of that. It told us that it would stop illegal immigration, but the Immigration, Local Government and Ethnic Affairs Department could not at all demonstrate that it would have any significant effect in that area.

The Government also told us that it would stop tax cheats. While I do admit that it would have some effect in that area, the big operators in this country would have got off scot-free and the small operator would have been hit. I think the coalition has been able to demonstrate that we can clamp down on tax evasion in this country by much simpler and more effective methods. It would, of course, cost business something approaching \$2,000m to implement. It would have cost the taxpayer something approaching \$1,000m to set up. We would have had to hire another 2,150 public servants, and so on, when at the same time the coalition was pointing out that there were better, simpler, cheaper, less invasive methods of achieving these aims of cutting down on tax fraud, organised crime, et cetera, that could have been put in place.

One of the leaders in all this was the then Minister for Health, the honourable member for Bonython (Dr Blewett). Who will ever forget his statement in the Parliament on 22 September, the day before we revealed that the card could not be brought in, when he stated one of the gross misrepresentations in this House. He said:

The Australia Card does not represent any invasion of privacy.

Can you believe it?

Mr N. A. Brown—Who said that?

Mr COBB—Dr Blewett.

Mr N. A. Brown—The Minister.

Mr COBB—Yes, the Minister himself. It is absolutely incredible that he could have been so out of touch.

Mr Tuckey—He called us card subjects.

Mr COBB—Yes, that is right. It is worth going back to the previous year to learn what the then Minister for Health, thinks. On 10 June 1986, when he was addressing the South Australian Labor Party conference, he said:

We shouldn't get too hung up as socialists on privacy—this is in direct contradiction of what he said before—

because privacy in many ways is a bourgeois right that is very much associated with the right to own private property.

That is the Minister. Goodness knows what he had in mind for us in getting rid of the right to own private property in this country.

Mr Downer—It is un-Australian.

Mr COBB—Most un-Australian, indeed. And the Government had the hide to call it the Australia Card. Nothing more un-Australian has ever been tried to be perpetrated on the people of this country. The Minister and the Prime Minister (Mr Hawke) are totally out of touch with the traditions of civil liberty that have existed in this country for many years. Going back 130-odd years to the Eureka Stockade of the early 1850s, in those days the government tried to impose a gold diggers' licence fee on the miners. It wanted to record personal details on a card and restrict movements around the country and goodness knows what else.

There was a revolt of those people; a revolt, in fact, of small businessmen against intrusion and bureaucracy. Those people were fighting for free enterprise. They were fighting against bureaucracy. When I see the clowns in this country of the Builders Labourers Federation, et cetera, waving Eureka flags, I always have an ironic smile because if ever there was a revolt for free enterprise in the country, it was back in the days of the Eureka Stockade. We were starting to approach a similar situation 136 years later in this country before we finally got the legislation stopped.

As I said at the beginning of the debate, we must remain vigilant because this Government will bring in the Australia Card by the back door, as it is trying to introduce certain elements of the Bill of Rights by the back door, by stealth, and if we relax for a minute there will be a de facto ID card in this Parliament. If you doubt that, you have only to listen to the speakers defending it today with enthusiasm. Examples of how the Government is out of touch with the Australian people happen in this Parliament every week. We have the Prime Minister to go off to Moscow shortly, to that great citadel of democracy—

Mr Downer—To get his instructions.

Mr COBB—Yes, to get his instructions, as the honourable member says.

Mr DEPUTY SPEAKER—Order! The honourable member for Parkes needs no assistance. I remind the honourable member for Mayo that he is not in his own seat. He will have an

opportunity of contributing to the debate at some other time.

Mr N. A. Brown—They have a Bill of Rights there.

Mr COBB—The honourable member for Menzies has just pointed out that in Moscow there is a Bill of Rights, and what sort of rights do the people have in Russia? That is where the Prime Minister is rushing off to, to a country that has a Bill of Rights that does not work. I guess the people of Russia and, particularly, the countries around the world that Russia rules with an iron rod whether it be Latvia, Lithuania, Estonia, Czechoslovakia, Hungary, et cetera—

Mr Simmons—Mr Deputy Speaker, I raise a point of order. Perhaps the honourable member for Parkes could explain his comments about civil liberties in the context of his support for the South African regime.

Mr DEPUTY SPEAKER—There is no point of order.

Mr COBB—I would be delighted, because here is the fellow who tried to bring the ID card into the country. We have a citizen of Australia who wants to go across to South Africa to play tennis. He had played a match a few weeks before against a Russian. There was not a whimper from this Government, but as soon as he goes to South Africa to play—and South Africa has its faults, sure, but nothing like Russia's—the Prime Minister is up pontificating how Pat Cash should not go to South Africa. Again, he is out of touch with the Australian people because you have only to look at a—

Mrs Kelly—Mr Deputy Speaker, I rise on a point of order. The topic under discussion is not related to the debate, is it?

Mr DEPUTY SPEAKER—There is no point of order.

Mr COBB—I was asked to respond to a member on the Minister's side. Even in the opinion polls taken, the overwhelming majority of Australian people supported what Pat Cash did. Sixty-five per cent approved, 25 per cent disapproved. Even of ALP voters, 58 per cent approved and 33 per cent disapproved; that is 2:1. So how out of touch the Labor Party is, even with its own supporters, let alone the Australian people. They should not lecture me about what is wrong with South Africa when the Prime Minister is rushing off to countries like Russia. I could talk about many more things, but I think the Australian people would like to hear from the next speaker, the honourable member for Calare, the fellow who floated this idea of trying

to foist the Australia Card on the Australian people.

I will conclude my speech and let the Australian people on a broadcast day listen with interest in the two or three minutes left to what the honourable member for Calare (Mr Simmons) has to say, so that they will know that the Government of this country is still in support of an Australia Card and is defending it vigorously.

Mr SIMMONS (Calare) (1.58)—One must seriously question the motives of the Opposition in taking the action it did to defeat the Australia Card Bill that was before the House on a number of occasions. So desperate, in fact, were the opposing parties, particularly the Liberal and National parties, to thwart the honest intentions of this Government to crack down on tax evasion and welfare fraud, that they stooped to the use of parliamentary sabotage. All of us here would remember the way honourable members opposite crept around, getting outside information, which they could use in the most unprincipled manner unfairly to defeat this legislation.

It could not have been that they doubted that the Australia Card would do what it was designed to do; that is, to make the taxation system fairer and to ensure that everyone paid his fair share of tax, as well as eliminating the use of welfare fraud in our social security system. They never denied that it would do this. In fact, it is clear that they were scared that the Australia Card would be too successful in this area. After all, it was never the average person on a wage or a salary who had anything whatsoever to fear from the provisions of this Bill. The average person has very little scope indeed for any sort of tax evasion or avoidance.

The traditional supporters of the Liberal and the National parties had the most to fear from the actions of the Government to eliminate the tax cheating, and from that you can certainly draw your own conclusions as to whom the Opposition was supporting in this particular debate. I think the way in which the Opposition parties engineered the campaign against the Australia Card is certainly worthy of congratulations. The disinformation and the scare tactics that they used were so successful in the past on other issues that they—

Mr DEPUTY SPEAKER (Mr Leo McLeay)—Order! It is now 2 p.m. In accordance with standing order 104, as amended for this session, the time allotted for precedence of General Business has expired. The honourable member for Calare will have leave to continue his speech when the debate is resumed. The resumption of

the debate will be made an order of the day under General Business for the next sitting.

MINISTERIAL ARRANGEMENTS

Mr LIONEL BOWEN (Kingsford-Smith—Deputy Prime Minister)—I advise the House that at present the Prime Minister (Mr Hawke) and some other Ministers are farewelling Their Majesties, the King and Queen of Belgium. They will be in the House shortly.

PRIVILEGE

Mr SINCLAIR (New England—Leader of the National Party of Australia)—Mr Deputy Speaker, on a point of privilege: it seems extraordinary, no matter how significant the occasion, that quite a large number of members from both the Government and the Opposition have been excluded from what has traditionally been regarded as the members' parliamentary dining room for this lunch hour. Mr Deputy Speaker, I put it to you that there are circumstances in which the Government has no right to usurp the privileges of ordinary members of this House. I ask you: On what basis has there been a function, to which members of this House have not all been invited, for very distinguished guests—His Majesty and Her Majesty, the King and Queen of Belgium? This behaviour is tantamount to breaching parliamentary privilege in that every member of this House has every right and all members have equal rights to participate in any parliamentary event held in this place.

Mr DEPUTY SPEAKER (Mr Leo McLeay)—At present the matter before the Chair is Questions without Notice. Are there any questions?

Mr Sinclair—Mr Deputy Speaker, I raised a point of privilege. I put it to you that it is not for you or any other incumbent in your position to ignore that point of privilege. It has precedence over every other issue and I ask that you respond to it.

Mr DEPUTY SPEAKER—Order! I understood the Leader of the National Party to be saying that he thought that what had happened could be tantamount to breaching parliamentary privilege. I was not aware that he was deliberately raising the matter as a matter of privilege. He has now said that he is. In accordance with the manner in which these matters are dealt with, Madam Speaker will respond at the earliest convenience.

QUESTIONS WITHOUT NOTICE

COMMONWEALTH SUPERANNUATION FUND

Mr TUCKEY—I address my question to the Treasurer. Is it a fact that exit interest rates being earned by the Commonwealth superannuation fund have fallen from 23 per cent in July to zero per cent at the end of November? Is it a fact that contributors to the Commonwealth superannuation fund who have recently retired but who will not receive any pay outs from the Fund until after next Monday, 30 November 1987, will receive zero per cent interest on their money in the Fund since 1 July this year? Is it also a fact that a senior officer of the Commonwealth Superannuation Board who submitted his resignation on Tuesday, 24 November, and officially retired yesterday will receive the full 23 per cent interest for the period? If the Treasurer is unaware of the circumstances of the apparently privileged treatment of this senior officer, will he promise immediate inquiries and report to the Parliament today?

Mr DAWKINS—This matter comes within the responsibility of the Minister for Finance, whom I represent in this place. I am not aware of the details involved in the honourable member's question. I will ensure that it is referred to the Minister for Finance.

DRUGS IN SPORT

Mr DUBOIS—My question is directed to the Minister for the Arts, Sport, the Environment, Tourism and Territories. Will the Minister outline the policies of the Australian Institute of Sport and the Australian Sports Commission in relation to the use of drugs in sport?

Mr JOHN BROWN—The Australian Institute of Sport and the Australian Sports Commission condemn athletes using, to modify performance, those substances and techniques prescribed by the International Olympic Committee. We believe that the use of such substances and techniques contravenes the rules of sport, can compromise the health of competitors and, in certain situations, transgresses Australian and international criminal statutes. We condemn any person who facilitates, advocates or encourages the use of drugs in sport. We support the Australian Olympic Federation's campaign to rid sport of drugs by banning for life any athlete, coach, official or medical practitioner found to be involved in the use of drugs in sport. I have strongly advocated such an approach from the first days of my ministry in 1983 and I am sure

it is a view that is shared by every member of this House.

The Government, through the Australian Sports Commission, provides funding for a national program on the control of drugs in sport and looks at matters relating to policy, education, control and research. The Australian Institute of Sport conducts a regular program for testing scholarship holders for illegal drug use. Since June 1986 the Institute has each week selected at random at least one scholarship holder for testing. In 1988 the Institute intends to step up an extended testing program so that some 200 athletes will be selected and tested from a field of scholarship holders, participants in the national sports program and athletes awarded grants under the sport talent encouragement plan.

The Institute's policies in relation to the use of drugs are very clear and every athlete, every coach and every official knows what they are. If an athlete refuses or declines to undergo a test, or fails to provide the required sample, that person will have contravened the code of ethics of the Institute. If that athlete is a scholarship holder, that person will consequently be in breach of the scholarship holder's agreement and the Institute will terminate the scholarship immediately. If that athlete is a participant in the national sports program or a beneficiary of the sports talent encouragement plan, the Institute will immediately bar the athlete from any further Commonwealth Government support. If any athlete returns a positive result to a drug test, all support for that athlete will be withdrawn immediately and the relevant national sporting body will be notified.

If an athlete who is tested positive uses the defence that the banned substance was administered by force and that defence is accepted by the executive of the Institute, those alleged to be responsible for facilitating the administration of the substance will be interviewed. If an allegation is substantiated, the Institute will immediately sever all relations with the person or persons concerned. If any member of staff is found to be administering drugs, it has been the Institute's policy since 1981—under my predecessor, Bob Ellicott—to dismiss that staff member immediately. Doping is cheating. This Government supports any program implemented to rid sport of the cheats and to make competition fair for all those athletes who have the good sense not to use prescribed substances and techniques.

I am sure that every member of this House will agree with me that Australia is perhaps the

last bastion of drug-free sport in the world. Because the Institute is a body which represents not only this Parliament but also the people of Australia, it is important that the policy we advocate at the Institute be well known to everybody. I think all honourable members would share my view that Australia does not need to win one gold medal if it has to be won by improved performance that is promoted by the ingestion or the taking of any form of prescribed substance.

In the last few weeks there have been some suggestions that there has been drug taking at the Institute of Sport. If those allegations can be proved, immediate and very serious action will be taken. I deplore the action of an Australian athlete, who was recently found guilty of taking drugs and had a positive swab taken at the World Athletics Championships, who has made statements in the Press that she does not regret taking the drugs, that the only regret she has is that she was caught and that in future she will be very careful about drug taking. I have news for that young lady. After her ban is up, considering the statements she has made publicly, she will not be welcomed back at the Institute under any circumstances.

JOINT DEFENCE FACILITIES

Mr HOWARD—My question is directed to the Prime Minister. Has his attention been drawn to the claims of a senior Soviet Embassy official that the Soviets regard the dismantling of bases such as the United States-Australian joint facilities as a major issue in disarmament negotiations? Will the Prime Minister take the opportunity of his forthcoming visit to Moscow to make it perfectly clear that under no circumstances will Australia permit Soviet inspection, let alone dismantling, of those joint facilities?

Mr HAWKE—I have seen reference to that comment and I can assure the Leader of the Opposition that no such suggestion has been made in any formal way to us by the Soviet Union; nor in the language of the treaty negotiations between the Soviet Union and the United States has this issue appeared to arise. In the circumstances of it not having arisen and also because, from our point of view, it should not arise, that position will be made quite clear.

INTERMEDIATE RANGE NUCLEAR FORCES TREATY

Mrs DARLING—I refer the Prime Minister to the announcement that negotiations between the United States and the Soviet Union on an intermediate range nuclear forces (INF) treaty

are now complete. Will the Prime Minister inform the House of the Australian Government's attitude to this announcement?

Mr HAWKE—I thank the honourable member for Lilley for her question. The Australian Government warmly welcomes the news from Geneva that the United States Secretary of State, George Shultz, and the Soviet Foreign Minister, Mr Shevardnadze, have agreed on the final details of a treaty which will eliminate all intermediate range nuclear weapons. At the talks in Geneva it was also agreed that this INF treaty will be signed by President Reagan and Mr Gorbachev at their summit meeting in Washington which will take place from 7 to 10 December. The agreement is particularly welcome to Australia as it includes INF systems deployed in Asia as well as in Europe. While INF weapons do not, as we know, constitute a large proportion of the global nuclear arsenal, this agreement will create an historic precedent for it is the first agreement to eliminate a complete class of nuclear weapons and to reduce overall nuclear arsenals.

It is the Australian Government's hope that this agreement will stimulate progress in other areas of arms control and in particular encourage the two sides to negotiate a treaty to make large cuts in Soviet and American strategic nuclear weapons. This is a view that I will be conveying to General Secretary Gorbachev during my forthcoming visit to Moscow. I hope that all members of this House will join with me when I express congratulations to both President Reagan and his Administration, and Mr Gorbachev and his Government, for showing the way in lowering global tensions with this INF agreement.

AUSTRALIAN AUDIT OFFICE

Mr PEACOCK—I direct my question to the Prime Minister. I refer him to the annual report of the Australian Audit Office in which the retiring Auditor-General drew attention to formal advice from the Department of Finance which made explicit the Department's ambition to confine and limit the scope of the Audit Office's external audit functions. Given that the imposition of any such limitations would be akin to usurping the Auditor-General's statutory responsibility and independence, will the Prime Minister provide an unequivocal assurance that the Auditor-General will be provided with sufficient resources and functional independence from Executive interference to enable him to continue to discharge his responsibilities to this Parliament?

Mr HAWKE—I thank the honourable gentleman for his question. I point out to him that in the media release from the Australian Audit Office of yesterday's date—and I recognise that the Auditor-General expressed concern about financial limitations—the observation was made:

While recognising that the Minister had respected the Auditor-General's functional independence . . .

That is the statement in the media release from the Australian Audit Office. So there can be no suggestion, from the attitude of the Auditor-General, that he is suggesting that the Minister had done other than respect his functional independence. Everything that is said on this subject should be put in the context of that recognition by the Auditor-General.

No agency, including the Auditor-General's Office, has the right to set its own appropriation, particularly in the current economic climate where a responsible fiscal policy is essential. The process of determining funding for the Auditor-General has no bearing on the independence of the operation of that Office. It is a fact, I repeat, that was recognised in the statement from the Auditor-General himself. In fact, the Auditor-General received a 2 per cent increase in staff in the 1987-88 Budget, compared with overall Public Service staff reductions. The new computer technology acquisition program for the Audit Office involves provision of very significant funds. It is only proper that an effort be made to identify clearly productivity gains. It is not unreasonable to expect some return to the Budget as well as to the Audit Office. I repeat that there has been no question of the Government or the Minister seeking to do other than respect the functional independence of the Auditor-General. I am glad and appreciative of the fact that the Auditor-General himself recognises that fact.

NURSING HOME DISPUTE

Mr GRIFFITHS—I direct my question to the Minister for Community Services and Health. I refer to the nursing home dispute in Victoria between Mr Jack Humfrey, the proprietor of seven nursing homes, including one in my electorate of Maribyrnong—those homes care for some 400 aged patients—and the Commonwealth Government. Can the Minister advise the House of the present stage of discussions between his Department and Mr Humfrey? What steps have been taken to resolve the dispute and remove the threat of closure?

Dr BLEWETT—I thank the honourable member for Maribyrnong for his question. It is

true that the Government is in dispute with Mr and Mrs Humfrey over the fees charged in their seven nursing homes. We are, of course, not the only body in dispute with the Humfreys. The Victorian Government is in dispute with them over their threats to close those nursing homes. The union organisations, the Hospital Employees Federation and the Royal Australian Nursing Federation, are in dispute with the Humfreys over threatened staff cuts and the reduction of wages. I learnt today that the Hospital and Benevolent Homes Conciliation and Arbitration Board is in conflict with the Humfreys over their refusal to appear before that board.

The case needs to be seen against the background of nursing home cost, particularly in Victoria. We have now had a comprehensive review of nursing home costs which have been published for everyone to read. It is clear that infrastructure costs are somewhat higher in Victoria than in the other States. They seem to be higher, particularly in the private for profit nursing homes, not in the general charitable homes, and they seem to be related to particular laundry, catering, cleaning and management costs that have been identified as the odd factors. Those issues relate to the Humfrey homes. Since September 1986 my Department has been striving to get information from the Humfreys in relation to costs in their homes. We have indicated over that period of 14 months that we could not go on paying the fee levels they asked or the benefit levels to cover those fees unless we had adequate information. They have been given many opportunities to provide that information. Sometimes they have promised to do so but those promises have not been kept. The Government, acting responsibly on behalf of the taxpayers, had no alternative but to reduce, on 1 November, the benefit levels paid in relation to those homes.

I have to point out that on the evidence we have they have been overpaid \$1m in that 14-month period. We have offered an interest free loan in essence to pay that money back through negative fee loadings over the next two years. It should be pointed out also that the Humfreys are not small proprietors in this business; they collect nearly \$11m in nursing home fees a year. The only response we have been getting is a threat from the Humfreys to close those seven nursing homes and put those old people out of the homes. Our response to that, in co-operation with the Victorian Government is to guarantee to support the people working in those homes who are under threat. We have offered the Humfreys a completely independent

accounting review. We are prepared to pay a share in the cost of that review. So if there is a dispute between the Government and the Humfreys, we have said, 'Let us bring in an independent arbitrator to look at the issues in dispute and settle them by looking fully at all the books concerned'. I understand that even that offer of conciliation has not been accepted. I must say that, if there is nothing to hide, our offer seems to be a perfectly free one. I ask the Humfreys to remove the callous threat that is hanging over the residents of those homes. They should get on with providing care in those homes or selling them to somebody who will.

USE OF AIRCRAFT PURCHASED BY AMANN AVIATION PTY LTD

Mr BEALE—Is the Minister for Land Transport and Infrastructure Support aware that aircraft that Amann Aviation Pty Ltd purchased to fulfil the abortive Coastwatch contract were being used this month for freight operations and bank runs? Is the Minister further aware that for some period during this month while the aircraft were operating commercially they were registered for private operations and not for commercial operations? Will the Minister confirm that this was in direct contravention of departmental regulations, including safety regulations? Finally, will the Minister advise whether this dispensation given to the Amann aircraft, which bestowed a distinct commercial advantage, was the Government's trade-off for the cancellation of the Coastwatch contract?

Mr DUNCAN—Madam Speaker—

Mr Sinclair—He would not know. He has not been advised about that.

Mr DUNCAN—Madam Speaker, the right honourable member is correct. I am not aware of that particular matter, and that is hardly surprising. I am obviously not apprised of every bit of information that goes on within the administration of the Department of Transport and Communications. What I do want to say is that there was no dispensation of any sort given to Amann arising out of the termination of the contract earlier this year.

BUDGET DEFICIT

Mr COURTICE—I refer the Treasurer to his recent criticisms of the United States of America for its failure to reduce its Federal Budget deficit. How does he view the recently announced measures in the United States to reduce the deficit?

Mr KEATING—The proposed cuts announced by President Reagan are, as the Prime Minister said, both important and very welcome, particularly as a first step to repairing the United States fiscal position. But the case remains that had the fiscal policy in the United States been addressed, as it has in this country, many of the problems which have emerged in recent times perhaps would either have not emerged or would have been muted in their effects. I remind the House that between August of last year and May of this year we cut the \$7,000m from outlays, which is the equivalent of a cut of \$US125 billion from the US Budget deficit.

But these comparisons are even more significant if viewed as a percentage of gross domestic product. I mention this because there has been a good deal of misinformation on this topic in the past few weeks. Syntec Economic Services Pty Ltd and the *Business Review Weekly* magazine last Friday took the Prime Minister to task for writing to President Reagan about the United States deficit and published a graph which purported to show that the general government financial deficit in Australia—that is, the sum of our Federal and State deficits—was greater than that of the United States; about 2.8 per cent for Australia, compared to 2.6 per cent for the United States.

Similarly, Mr McLachlan of the National Farmers Federation has claimed that the combined deficit of the different levels of government in the United States was only 2 per cent, compared with 3.5 per cent in Australia. These figures are wrong on both counts. The most respected basis of comparison for total government deficits is the estimate of the Organisation for Economic Co-operation and Development (OECD) of general government financial deficits. The figures published in its June 1987 report for America and Australia were: For the United States, 2.7 per cent and for Australia, 2.4 per cent. In other words, figures published in June, but produced prior to the May statement and the Budget of Australia, show that the total government deficit in this country has been less than that of the United States ever since 1985.

However, the comparison since we brought down the Budget is even more marked. The official Australian Treasury estimate of the Australian general government deficit for the 1987-88 financial year is about one per cent of gross domestic product (GDP)—that is, about 1.5 percentage points lower than that of the United States. The OECD will next month publish new

figures to replace those I quoted earlier. The indications for the calendar year 1987 are that it will estimate an Australian deficit more than one percentage point lower than that of the United States and that for the calendar year 1988 it will estimate an Australian deficit nearly two percentage points lower than that of the United States.

I do not know why either Syntec or the National Farmers Federation has persisted in putting this disinformation about—whether it is for the purpose of spreading disinformation or for the purpose of malice against the Government. But the fact is that the numbers are wrong. They are blatantly wrong, and they are wrong when compared with the OECD's estimates or against any evaluation or summation by any technically competent organisation of the official statistics in the Budget and the forecast for the public sector borrowing requirement on behalf of the States. I repeat that the Treasury's estimate of the Australian general government deficit for 1987-88 is one percentage point, about 1.5 per cent lower than that for the United States.

Those are the facts of the matter. I think that if these organisations are not prepared to be entirely decent about the position, at least they ought to be factual about it.

THOMAS NATIONWIDE TRANSPORT PTY LTD

Mr BRAITHWAITE—My question is addressed to the Minister for the Arts, Sport, the Environment, Tourism and Territories. Is the Minister aware of any past association between TAL Holdings Ltd, the owner of Federal Hotels Ltd—the proposed operator of the Christmas Island casino—and the Thomas Nationwide Transport Pty Ltd (TNT) group? Given claims that Ansett Airlines of Australia, which is half owned by TNT, has been given an unfair edge in relation to air services to Christmas Island, has the Australian Federal Police investigated possible links between TNT and Federal Hotels? If so, will the Minister table the Federal Police report before the House rises today?

Mr JOHN BROWN—I am not aware of any inquiry that the Federal Police has made into any connection between TNT and Federal Hotels.

Mr Sinclair—You lot are getting worse.

Madam SPEAKER—Order! The Chair will not take any future interjections from the right honourable member.

Mr JOHN BROWN—I wish the right honourable member would speak up so I could hear his stupid interjections.

Madam SPEAKER—Order! The Chair will not take any future interjections from the right honourable member.

Mr JOHN BROWN—There certainly was a Federal Police inquiry into the bona fides of Federal Hotels as to its suitability to run a casino on Christmas Island. The report is not in my possession, but I can assure the House that that police report painted a glowing picture of the decency and the propriety of Federal Hotels as a casino operator, as well it should, and as I am sure Tasmanians would agree and most Northern Territory residents would also agree—although Federal Hotels has been squeezed out of there.

Maybe I can throw some light on this conspiracy theory which is run by the honourable member for Bruce, who has just shown his head in the chamber, about some extraordinary benefit which has been given to TNT and Ansett regarding the type of plane that can fly to Christmas Island. It has been suggested that TNT or Ansett has a world-wide monopoly on BAe146 aircraft for the next five years. That is arrant nonsense. Of the 75 BAe146 aircraft delivered to July 1987, two have been delivered to Ansett Western Australia and one to TNT Aviation in Europe. Three out of 75 hardly suggests a monopoly, no matter how liberally one might use the language. It has been claimed that TNT has the entire production run of BAe146 aircraft for the next five years. The fact is that TNT has a commitment to take all freighter versions of the 146 in that period. These aircraft are expected to make up only about 30 per cent of the total production. All passenger versions of the BAe146 are excluded from that agreement.

I wish the Opposition would raise its sights above the continual conspiracies it alleges relating to Christmas Island. The fact is that Woodmore, the developer, has sought permission to build a development there. He has been informed by the Department of Aviation that to do that there has to be an upgrading of the airport. He has asked for an upgrading to the level of the BA146 and was given approval. That would include a range of other aircraft of similar type and weight. He was also informed that if he wants to run continued schedules of aircraft of an increased capacity he will have to pay to upgrade the airport a little more. The conspiracy theory which the honourable member for Henty

has been running against Sir Peter Abeles and TNT—

Madam SPEAKER—The honourable member for Bruce.

Mr JOHN BROWN—I apologise profusely, Madam Speaker. The honourable member for Bruce has been pursuing this conspiracy theory, to my knowledge, for the last nine or 10 years—all to no avail. I wish he would put his considerable talents to other use.

Mr Aldred—I take a point of order, Madam Speaker. I request the Minister to table the document from which he was reading.

Madam SPEAKER—Was the Minister reading from a confidential document?

Mr John Brown—I was reading from my notes, Madam Speaker.

COMMONWEALTH OFFICE ACCOMMODATION, SYDNEY

Mr LEO McLEAY—Has the attention of the Minister for Administrative Services been drawn to claims that new Commonwealth office accommodation in Phillip Street, Sydney, is extravagant? What is the purpose of this accommodation and who made the decision to move to the Phillip Street location?

Mr WEST—I have noted the ill-considered and ill-informed remarks by the New South Wales Liberal senator, Senator Bronwyn Bishop, who issued a Press release the other day saying that the new offices in Phillip Street were somehow extravagant. The decision to develop the Phillip Street site was a decision of the previous coalition Government. The construction of the property began in 1984. The facility is comparable to that formerly provided at Martin Place by the former Government. However, the number of suites for visiting Ministers has been reduced from five to four in the Phillip Street building. There will be Cabinet and ministerial accommodation, including an office for the Prime Minister. There will also be an office for the Leader of the Opposition. There will be general parliamentary offices. It is necessary to relocate those offices from the Chifley Square building because, as honourable members will be aware, we intend to sell that building early in 1988. The relocation of the offices of members of parliament from the Chifley Square building will occur by August 1988.

The space in Phillip Street is required to replace the accommodation previously occupied in Martin Place because the owner of the Martin Place premises, the Commonwealth Banking

Corporation, has scheduled those premises for refurbishment and has required the Commonwealth to relocate as soon as possible. Otherwise we would have to face a payment for prolongation costs of up to \$50,000 per month. The offices are not extravagant. They are replacement offices. There is a suite for the Prime Minister and for the Leader of the Opposition. There are offices for Ministers, for visiting Ministers and for MPs. So, contrary to the claims of the Opposition, voiced by Senator Bishop, there is nothing extraordinary about the decision. There is nothing extravagant. The building has been constructed and is being fitted out on a needs basis, and the original decision to undertake the development was made by the former Government.

RESEARCH FUNDING

Mr IAN ROBINSON—Will the Minister for Science and Small Business confirm that about 100 scientists are being forced out of the rural, mining and environment sections of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and that the budget for rural research has been cut by 6 per cent? Will the Minister also confirm that there is a switch in emphasis to the Minister's pet area, which he has dubbed 'information technology', and that this has been done without any cost benefit analysis? In view of Australia's balance of trade crisis, when every effort should be made to maximise the export of agricultural, mining industry and natural resources, will the Minister think again about the negative outcome of this policy?

Mr BARRY JONES—The tragedy for Australia is that about 80 per cent of our export earnings are in agriculture and mining. I say 'the tragedy' because 20 years ago Australia had about 2.1 per cent of world trade. That figure represented a lot of wealth for this country. Now, in 1987, we have about 0.9 per cent of world trade. If 100 per cent of our trade was in agriculture and mining, it would represent long term impoverishment for Australia. We must expand the range of our exports, to have a much higher added value in our exports. We need to improve the export-competing nature of our economy. CSIRO must be a major engine for bringing about that change.

In CSIRO we are trying to maintain in absolute figures roughly the same number of scientists working in the primary sectors, but it will be necessary to change the proportionality. There is no question about it. For 25 years elaborately transformed manufactures have been the fastest growing area in world trade. Australia has just

watched it happen. We have lacked a sophisticated industrial base to make it possible for Australia to compete in world markets. It is certainly true that in agriculture and mining—

Mr Howard—Have you read the IAC's report?

Mr BARRY JONES—The IAC is not determining the economic policy of this Government.

Madam SPEAKER—Order! The Minister should not respond to the Leader of the Opposition.

Mr BARRY JONES—Some very positive things are happening. Under the rural industry research funds, money for agricultural research has doubled. The result is that there is a lesser reliance on the Budget for CSIRO funds and a heavier reliance on the agricultural and mining industries. This is perfectly proper. The time will come when our manufacturing and services industries will contribute their due proportion.

Mr Ian Cameron—When?

Mr BARRY JONES—At the moment we are concerned to ensure that we give a chance to the areas where we believe Australia has the research capabilities to build industries that will be successful in their way as, historically, the agricultural and mining industries have been.

Mr Lloyd—To maintain the success of agriculture it needs research.

Madam SPEAKER—Order! The honourable member for Murray has a very loud voice. His interjections are out of order. I suggest that he cease interjecting.

Mr Sinclair—It was a fairly pertinent remark.

Madam SPEAKER—He does not need any help from the Leader of the National Party.

Mr BARRY JONES—The proportionality will have to change, but in absolute figures there may be a very small decline in the number of research scientists employed in agriculture and manufacturing. But in particular in the restructuring of CSIRO into six institutes, two institutes are entirely devoted to the agriculture. One other of the institutes is largely devoted to mining, and one other of the institutes is concerned with general environmental areas, for example, the quality of water is of fundamental concern to agriculture.

In conclusion, the Opposition's definition of agricultural research is far too narrow. If Opposition members consider the amount that is now being invested both in money and in people in biotechnology, which is of fundamental importance to Australia and central to adding value

in agriculture, they will see that what we are doing is in the interests of the total Australian community including the agricultural sector.

WESTERN AUSTRALIAN HEALTH CLUB CHAIN

Mr RONALD EDWARDS—My question is directed to the Minister for Consumer Affairs. I preface my question by pointing out that on 15 September this year the Laurie Potter chain of health clubs in Western Australia collapsed, leaving 82,000 members without access to the facilities for which they paid. Is the Minister aware that the Laurie Potter chain of health clubs was selling so-called life memberships until the day before it collapsed? Is the Minister also aware that it claimed to have the backing of the Bank of England and the Westpac Banking Corporation, and that this was incorrect? Is he also aware that a large tertiary institution in Western Australia withdrew \$11m in February this year, from which point it was clear that Laurie Potter's chain was in trouble? Will the Minister undertake to ask the Trade Practices Commission to investigate this matter?

Mr STAPLES—I thank the honourable member for Stirling for his question. I understand that the Western Australian Government has been looking at the matter via its departments of consumer affairs and corporate affairs. I am aware of most of the matters raised by the honourable member. The Trade Practices Commission is in consultation with the Western Australian departments in this regard and is keeping a watching eye on this matter.

ABORIGINAL PERSON: DEFINITION

Mr DONALD CAMERON—I direct my question to the Minister for Aboriginal Affairs, and in so doing I acknowledge, support and applaud the community view that all levels of government have a responsibility to assist our Aboriginal people improve all aspects of living standards and to assist them to regain pride in their race. I refer the Minister specifically to an area of contention in the general community, and that is the definition put in place by a previous government as to what constitutes Aboriginality. Can the Minister give an assurance to the House that genuine Aboriginals will not suffer a disadvantage on account of irrational and irresponsible comment by those with a dubious claim to Aboriginality? Will the Minister undertake a sensitive examination of the present loose definition of an Aboriginal person so as to enhance the prospects of bona fide Aboriginals being able to achieve their proper due?

Mr HAND—The definition that is in place at this point is as follows:

An Aboriginal or Torres Strait Islander is a person of Aboriginal or Torres Strait Island descent who identifies as an Aboriginal or Torres Strait Islander and who is accepted as such by a community in which he or she lives.

I do not intend to undertake an examination or review of that definition. I remind the House that it was developed in about 1967 following a referendum; it became a current interpretation in 1972, and Cabinet endorsed it in 1978. It was part of the Aboriginal Development Commission Act in 1980. It is a view that is shared, as I understand it, by both sides of this Parliament, and it is one that I support. Therefore, I see no reason to review it.

TELESCOPE PROJECT: UNIVERSITY OF TASMANIA

Mr KERR—I draw the attention of the Minister for Science and Small Business to reports appearing in the Hobart *Mercury* of 19 November that the future of the Greenhill X-ray telescope project at the University of Tasmania was at risk as a result of the Australian Space Board's inability to commit some \$50,000 to the project in the current financial year. Has the Minister been able to take any action which will assist in maintaining the viability of this significant Tasmanian scientific project?

Mr BARRY JONES—The Australian Space Board had considered providing limited funding to the Tasmanian University to enable the team working on this experiment to be kept together. The experiment is purely scientific and would have had little industrial spin-off. However, the Board formally saw it as a potential candidate for a proposed experimental Australian satellite, and it was prepared to provide temporary support on that basis. As a result of decisions made in the Budget context where the Board's funds were unavoidably reduced from \$5m to \$3m, the Australian Space Board has no unallocated funds in the current financial year. It is therefore no longer in a position to provide even temporary support for Dr Greenhill's team in Tasmania. I emphasise that, contrary to some Press reports in Tasmania, the offer of support for Dr Greenhill's project was always contingent on the Budget situation; it was never unconditional.

The funding of science-oriented space projects is a subject which the Board proposes to take up with the Australian Research Council when that body is formed shortly, but it would be regrettable for this X-ray experiment to be abandoned before it will be considered by the ARC

for funding. The Government will therefore make available \$15,000 from within the portfolio budget of the Department of Industry, Technology and Commerce to provide temporary support for the university in these exceptional circumstances. This is as a result of the strong and effective representations by the honourable member for Denison, who deserves congratulation on his assiduity, but it must be noted that this is not to be considered as a commitment to further funding.

HIGH PROFILE TAXATION NUMBERING SYSTEM

Mr JULL—My question is directed to the Treasurer. I refer to the Government's decision to proceed with investigations into the feasibility of the introduction of a high profile taxation numbering system. At what stage is this investigation? Will the Treasurer indicate when it may be introduced? Can he guarantee that such a system would not be just the Australia Card under another name?

Mr KEATING—I should have thought that the honourable gentleman would have understood that the very essence in the difference between a proposed tax file number and the Australia Card is that the Australia Card was a number which would have been allocated to every member of the population. That is not the case with the tax file number, which is issued only when there is contact with the tax system. Hence, much of the comprehensiveness of the Australia Card, particularly dealing with things that my colleague the Attorney-General has mentioned, such as false bank accounts operated for criminal purposes and the rest, cannot be dealt with by a tax file number but could have been dealt with by the Australia Card, which the Opposition opposed.

The Australian Taxation Office and the Treasury are looking to the prospect of developing a system around the tax file number, but at the moment the withholding tax system which we have on the building industry and transport industry, a system which was first announced by the coalition Government but set up and operated by the present Government, requires the tax file number to be used for matching purposes. The prescribed payments system has been very effective in bringing about \$400m to \$500m of new tax money to the taxation system and discovering about 50,000 taxpayers who formerly did not have a tax file number. If we are talking about a new and innovative system in this country we must realise that it may be that it is new only to the extent of its scope and not its use in

terms of the fact that it is currently being used as a central and integral part of the prescribed payments system.

In terms of the development of the tax file number, it is proposed that the efficiency of computers be used to match income against the tax file number of an individual. That is the basis of the investigation and its potential use. Obviously, we suffer from the fact that all the manual matching which occurs now is not efficient and cannot do for us in the revenue system what it has been able to do in the prescribed payments system. Obviously there is and can be a benefit from more efficient matching and allowing the efficiency of computers to match income with taxpayers. Hopefully, the sensible development of a tax file number will permit that to happen. This is a totally diminished and different proposal from the Australia Card proposal which was a much more comprehensive way of dealing with not only taxation fraud and the understatement of income but also all sorts of criminal activity which, of course, a tax file number could not deal with as comprehensively.

BEEF INDUSTRY: CHEMICAL RESIDUES

Mr WRIGHT—Can the Minister for Primary Industries and Energy inform the House on progress being made on the chemical residue problem in our beef industry and advise of the progress in improving chemical registration in this country?

Mr KERIN—There is significant progress being made but, of course, there are many areas in which I would like to see things happen a bit more quickly. With respect to this problem, most States have responded well and the industry has responded very well. There has been a huge residue testing program under the many facets of the integrated action plan. Much of the country can be declared clean and I expect in the next couple of days to receive recommendations from the Australian Meat and Livestock Industry Policy Council on how this can be achieved and how the current intense testing can be reduced without affecting the guarantees that we can give on our meat and without affecting our markets in any way. We should do this as quickly as possible.

Although I can understand the claim, I do not agree with those who are saying that the livestock industry is paying for the cleaning up of the environment. The industry is only paying for problems caused at an individual property level and for testing to ensure access to export markets. Some 350 farms are in quarantine with

consequent loss of income. Those farmers should apply to their State rural adjustment scheme authority, which is the appropriate body to provide short term assistance—not compensation as was reported in this morning's *Sydney Morning Herald*. A huge amount and range of toxic chemicals have been handed in to State authorities. As I have already indicated, the Government is paying out some \$10m in a range of measures to help the industry, plus other moneys in other areas.

I thank the honourable member for his question because it touches on a very important matter—that is, the whole question of improving the chemical registration process in this country. As I indicated yesterday to the National Farmers Federation, progress has been slower than I would have liked, but that is not to say that there has been none. Yesterday I was critical of the slow response times from the States and most importantly how the State bureaucracies were much too concerned with their empires than with a sensible approach to chemical regulation. The basic point is that there are some 86 pieces of legislation and 11 separate registration agencies involved in agriculture and veterinary chemicals in this country. All that is for about 170,000 farmers, not to mention the huge cost to the taxpayer and the industry.

The recent problems with organochlorines have highlighted that the system's inefficiencies have very high costs. I am seeking national legislation for the notification, clearance and registration of agricultural and veterinary chemicals. Some progress has been made, but I detect a high level of compromise and a lot of resistance at the State bureaucratic level in some of the States. Misuse of chemicals is a big cost to the nation and we cannot afford to let it go uncontrolled.

DISTINGUISHED VISITOR

Madam SPEAKER—I inform the House that we have present in the gallery today a former member for 19 years standing, Bob King. On behalf of the House, I bid him welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

COMMONWEALTH SUPERANNUATION FUND

Mr Tuckey—On a point of order, Madam Speaker. With regard to my first question today, the Minister for Finance has now answered to the effect that there will be a zero growth rate. In view of this, will I get my answer from the Minister? We have a nil growth at a zero rate.

Madam SPEAKER—Order! The honourable member for O'Connor is abusing the forms of the House.

Mr Kerin—Further to the point of order raised by the honourable member for O'Connor—

Madam SPEAKER—Order! Will the Minister please take his seat.

USE OF AIRCRAFT PURCHASED BY AMANN AVIATION PTY LTD

Mr DUNCAN (Makin—Minister for Land Transport and Infrastructure Support)—I wish to add to an answer that I gave earlier in Question Time.

Opposition members interjecting—

Madam SPEAKER—If those on my left will be quiet, the Minister has permission to add to an answer.

Mr DUNCAN—The honourable members opposite do not want to hear the facts on this matter. During Question Time today the shadow Minister for transport and aviation asked me a question in relation to Amann Aviation Pty Ltd. There was an implication in it, if not an expression, of some sort of twisted conspiracy. I want to tell the House that Amann Aviation holds an aerial work licence for coastal surveillance and charter licence. The charter licence was first issued in April 1987 and was amended in October 1987 simply to include a change of aircraft so that the Aero Commander 680, 681 and 690 aircraft were included in the charter. I am advised that during the recent period the Registrar and the Department of Transport and Communications have been closely monitoring the activities of Amann in South Australia and the Northern Territory where these charters are occurring. The Department advises me that it has no basis to believe that there have been any illegal charter flights by Amann. In those circumstances, I think the honourable member ought in future to get his facts straight before he raises such allegations in this House which obviously reflect on this company which is trying to carry on business in this country.

Mr Beale—Madam Speaker, I draw your attention to the fact that my question referred to aircraft that were purchased by Amann Aviation. It did not mention Amann Aviation. I ask the Minister whether he would now respond to the question that I asked, if not now, then in writing to me.

Madam SPEAKER—Order! Question Time is over. I ask the honourable member to sit down.

REPORT OF THE AUDITOR-GENERAL

Madam SPEAKER—I present the report of the Auditor-General, dated 25 November 1987, upon an efficiency audit of the Australian Taxation Office: International Profit Shifting.

Motion (by **Mr Young**)—by leave—agreed to:

(1) That this House, in accordance with the Parliamentary Papers Act 1908, authorises the publication of the report of the Auditor-General, dated 25 November 1987, upon an efficiency audit of the Australian Taxation Office: International Profit Shifting; and

(2) That the report be referred to the Standing Committee on Finance and Public Administration.

AUSTRALIAN POLICE MINISTERS COUNCIL

Mr LIONEL BOWEN (Kingsford-Smith—Attorney-General)—For the information of honourable members, I present the Australian Police Ministers Council annual report on the Activities of National Common Police Services for 1985-86.

FILM CENSORSHIP BOARD AND FILMS BOARD OF REVIEW

Mr LIONEL BOWEN (Kingsford-Smith—Attorney-General)—For the information of honourable members, I present the 1986 annual reports of the Film Censorship Board and the Films Board of Review.

TOBACCO RESEARCH COUNCIL

Mr KERIN (Werriwa—Minister for Primary Industries and Energy)—Pursuant to sub-section 30 (5) of the Rural Industries Research Act 1985, I present the annual report of the Tobacco Research Council for 1986-87.

DEPARTMENT OF SOCIAL SECURITY

Mr HOWE (Batman—Minister for Social Security)—Pursuant to sub-section 25 (8) of the Public Service Act 1922, I present the annual report of the Department of Social Security for 1986-87.

REPATRIATION COMMISSION AND DEPARTMENT OF VETERANS' AFFAIRS

Mr HUMPHREYS (Griffith—Minister for Veterans' Affairs)—Pursuant to section 215 of the Veterans' Entitlements Act 1986 and sub-section 25 (8) of the Public Service Act 1922, I present the annual reports of the Repatriation Commission and the Department of Veterans' Affairs for 1986-87.

PERSONAL EXPLANATIONS

Mr ALDRED (Bruce)—Mr Deputy Speaker, I seek leave to make a personal explanation.

Mr DEPUTY SPEAKER (Mr Leo McLeay)—Does the honourable member claim to have been misrepresented?

Mr ALDRED—Yes, I do.

Mr DEPUTY SPEAKER—The honourable member may proceed.

Mr ALDRED—I wish to make a personal explanation in relation to two matters: firstly, the wording of an Australian Associated Press (AAP) report last night about my adjournment speech and, secondly, a remark made by the Minister for the Arts, Sport, the Environment, Tourism and Territories (Mr John Brown) in this House today. I shall deal with both matters as expeditiously as I can. The AAP report stated that I 'claimed that only BAe146 aircraft have been allowed to operate in and out of the Christmas Island aerodrome'. This implies that BAe146 aircraft currently have a monopoly. This is not so, and I did not say that, although I think it is an honest mistake on the part of AAP. Throughout the 1980s a variety of aircraft from several airlines have routinely serviced the island, including DC9s, F28s, B727s and B737s. In my adjournment speech I was referring to future arrangements laid out by the Government in the casino Heads of Agreement. I will just quote from my speech of last night so that it is accurately on the record—

Mr DEPUTY SPEAKER—I do not think it is necessary for you to quote from your speech. That is already on the record.

Mr ALDRED—I simply wish to deal with the appropriate sentence of the speech. I said:

One point that is particularly worrying and remains unanswered is the apparent monopoly that has been handed to TNT Ltd-Ansett Airlines of Australia by stipulating that, for as long as the airport facilities remain in their current state, only BAe146 aircraft can operate into and out of the Christmas Island aerodrome. This is made quite clear in annexure D of the Heads of Agreement.

That is all I wish to say about the AAP report.

In answer to a question in this chamber today, the Minister misrepresented me in relation to two matters: one, he implied that I had put a point of view that TNT Ltd-Ansett Airlines of Australia was the only airline in the entire world which had access to BAe146 aircraft. Again, if I may quote from my speech of last night, I said quite clearly:

It just so happens that the only airline in Australia operating BAe146 aircraft is Ansett. Ansett also just happens to be the only Australian airline able to obtain the BAe146 in the foreseeable future.

What I said is confirmed in a magazine on United Kingdom aircraft—

Mr DEPUTY SPEAKER—Order!

Mr ALDRED—It goes through the various companies that have ordered the aircraft.

Mr DEPUTY SPEAKER—The honourable member has pointed out to the House—

Mr ALDRED—Mr Deputy Speaker, I have one other point to clarify.

Mr DEPUTY SPEAKER—What is your final point?

Mr ALDRED—The Minister also implied in his comments that I had said that TNT-Ansett was concerned only with the freight version. It is clearly on the record in several places that the aircraft that it has ordered is easily convertible from passenger to freight in a matter of hours, and that is stated in the *Age* of 24 June 1987.

Mr DEPUTY SPEAKER—The honourable member has explained to the House where he believes he was misrepresented.

Mr JOHN BROWN (Parramatta—Minister for the Arts, Sport, the Environment, Tourism and Territories)—Mr Deputy Speaker, I seek leave to make a personal explanation.

Mr DEPUTY SPEAKER—Does the Minister claim to have been misrepresented?

Mr JOHN BROWN—I do.

Mr DEPUTY SPEAKER—The Minister may proceed.

Mr JOHN BROWN—In answer to the comments made by the honourable member for Bruce (Mr Aldred), my comments did not relate to his adjournment speech last night. I do not find his speeches compulsory reading. But they did relate to statements he has made quite often in the recent past that Ansett Airlines of Australia-TNT Ltd has a monopoly on the production of BAe146s for the next five years.

Mr Aldred—Mr Deputy Speaker, just to make it quite clear, I have said consistently that it is the only airline in this part of the world to have a monopoly on the aircraft.

Mr DEPUTY SPEAKER—The honourable member has made his point, and the Minister has made his point.

ASSENT TO BILLS

Assent to the following Bills reported:

Income Tax Amendment Bill (No. 2) 1987

Medicare Levy Amendment Bill 1987

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows and copies will be referred to the appropriate Ministers:

Public Order and Safety: Australian Capital Territory

To the Honourable the Speaker and the Members of the House of Representatives in Parliament assembled. The petition of the undersigned shows that:

There is widespread concern at the increasing breakdown of public order in the A.C.T.

This breakdown is shown by the recent increase in reports of violent assault one of which concerned the tragic death of a young man at a school fete.

The involvement of groups of youths in some of these assaults causes particular concern.

Such behaviour is affected by the ready availability, to young people, of alcohol and video and films which depict extreme violence.

Your petitioners therefore ask the Parliament to:

Make unlawful the creation of a public nuisance by loitering.

Ensure the enforcement of laws which prohibit the public consumption of alcohol by under-age persons, and

Legislate to restrict the production, distribution and sale of material which depicts extreme violence.

by **Mr Beale, Mr Goodluck, Mrs Kelly, Mr Langmore, Mr Peacock and Mr Tuckey.**

Petitions received.

Food Irradiation

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The petition of the undersigned respectfully sheweth. We most strongly oppose the process of Food Irradiation by radioactive Cobalt 60 or any other radioactive substance.

We oppose the introduction of regulations that will facilitate the food irradiation process by State Governments. We express our deep concern at this attempt to extend the use of radioactive substances and exposure of workers to radiation.

We call on the Government to immediately ban the importation of radioactive Cobalt 60 or other radioactive substances and to immediately disallow the regulations that permit the irradiation of food here in Australia.

by **Mr Beale, Mr Halverson, Mr Jenkins, Mr Kent, Mr Milton and Mr Scott.**

Petitions received.

Proposed Identity Card

To the Speaker and Members of the House of Representatives in Parliament assembled, your humble petitioners sheweth:

1. The proposed Australia Card will have a dramatic impact on the lives of all Australians.
2. Therefore your petitioners request a national referendum on the Australia Card bill before the proposal is resubmitted to Parliament.

As in duty bound your petitioners will ever pray.

by **Mr Beale, Mr Rocher and Mr Ruddock.**

Petitions received.

Proposed Identity Card

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned citizens of Richmond electorate respectfully sheweth that:

The unAustralian ID card is the most far reaching and invasive social and economic measure in Australia's history and it is essential the men and women of this nation have the opportunity to vote on this issue at a referendum.

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to: Give the people of Australia a say on the ID card at a referendum.

And your petitioners as in duty bound will ever pray.

by **Mr Blunt.**

Petition received.

Human Embryo Experimentation

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled—

The petition of the undersigned expresses concern that some scientists in Australia are intent on undertaking destructive experimentation on human embryos. This subject was examined exhaustively by the 1985-1986 Senate Select Committee on Senator Harradine's Human Embryo Experimentation Bill which received 270 submissions and more than 2,000 pages of evidence. The report of the Senate Committee recommended in October 1986 that the Commonwealth Government make unlawful any destructive experiment which frustrated the development of the human embryo.

Your petitioners therefore request the House of Representatives and the Government of the Commonwealth of Australia to: Implement without delay the major recommendation of the Senate Select Committee to outlaw destructive experiments on human embryos.

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

by **Mr Campbell and Mr Ian Robinson.**

Petitions received.

Proposed Identity Card

To the Speaker and Members of the House of Representatives in the Parliament assembled. The petition of certain citizens respectfully sheweth that:

The Hawke Labor Government's ID Card proposal is the most far reaching and intrusive piece of Australian legislation yet introduced, and that on all the evidence available, it will not tackle in the most cost-efficient and effective manner tax and social security fraud.

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to: Reject Labor's ID Card proposal to prevent a gross waste of taxpayer's money and a significant infringement of civil liberties.

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

by **Mr Cobb and Dr Harry Edwards.**

Petitions received.

Proposed Identity Card

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled: The humble petition of the undersigned citizens of the Maranoa electorate respectfully sheweth that:

The Hawke Labor Government's ID Card proposal is the most far reaching and intrusive piece of Australian legislation ever, and that on all the evidence available will not tackle in the most cost-efficient and effective manner tax and social security fraud.

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to reject Labor's ID Card proposal to prevent a gross waste of taxpayers' money and a significant infringement of civil liberties.

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

by **Mr Ian Cameron.**

Petition received.

Proposed Identity Card

To the Honourable the Speaker and Members in Parliament assembled. We, your humble petitioners, pray that, in accordance with the wishes of a substantial number of the people of Australia, the Australia Card Bill be rejected.

And we in duty bound will ever pray.

by **Mr McVeigh.**

Petition received.

Proposed Identity Card

To the honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned citizens of Richmond electorate respectfully sheweth that:

The Hawke Labor Government has no mandate to introduce its flawed and costly ID Card proposal and that the card won't stop tax and welfare fraud and will invade the private lives of Australians.

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to: Reject Labor's ID card proposal as the Australian public haven't given the Government a mandate to introduce it.

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

by **Mr Blunt.**

Petition received.

Proposed Identity Card

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned citizens of Maranoa electorate respectfully sheweth that:

The Hawke Labor Government has no mandate to introduce its flawed and costly ID card proposal and that the card won't stop tax and welfare fraud and will invade the private lives of Australians.

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to: Reject Labor's ID card proposal as the Australian public haven't given the Government a mandate to introduce it.

And your petitioners as in duty bound will ever pray.

by **Mr Ian Cameron.**

Petition received.

Bans on Smoking

To the Honourable the Speaker and Members of Parliament assembled. We the undersigned citizens, respectfully sheweth:

1. That we are totally opposed to the Government's discriminatory Anti-Smoking legislation in the workplace bans and on Domestic Airline travel.

2. Note that so called Environmental Tobacco smoke has not been proved as a major pollutant either in the workplace or on aircraft.

3. This legislation will discriminate against thirty per cent of the citizens of Australia, and

4. Call upon the Government to lift all bans and not proceed with any discriminatory smoking legislation.

And your petitioners as in duty bound will ever pray.

by **Mr Beale.**

Petition received.

Fringe Benefits Tax

To the Honourable the Speaker and Members of the House of Representatives. The petition of the undersigned respectfully sheweth that the Fringe Benefits Tax is an iniquitous and unjust impost which will further damage the Australian economy and further increase costs to employers.

The Tax will:

- (1) further increase the level of unemployment;
- (2) increase the administrative costs and overheads for business and Government;
- (3) particularly disadvantage small business and farmers; and
- (4) act as a disincentive to those who are the most productive and skilled;

And we the undersigned call upon the Government to immediately repeal the Fringe Benefits Tax.

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

by **Mr Cadman.**

Petition received.

Fringe Benefits Tax

To the Honourable the Speaker and Members of the House of Representatives in the Parliament assembled. The petition of the undersigned citizens of Australia respectfully sheweth that:

The fringe benefits tax will cause hardship to business throughout Australia, especially in the already severely-depressed rural sector and in the motor vehicle industry.

The fringe benefits tax will be a disincentive to employment and worse, will result in additional unemployment.

The economy of this country would best be served by policies that lightened the tax burden, not increased it, that encouraged enterprise, not stifled it and stimulated growth, development and jobs, not prevented it.

Your petitioners therefore pray that the House will repeal this Legislation and your petitioners, as in duty bound, will ever pray.

by **Mr Rocher.**

Petition received.

Proposed National Identification Numbering System

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. This petition of undersigned citizens of Australia respectfully sheweth that we strongly oppose the introduction of the 'Australia Card' or any other form of National Identification Numbering System.

We believe the introduction of a National Identification Numbering System is not only totally unnecessary but is a severe threat to our civil liberties and privacy. We condemn the Government's actions on this matter, particularly as no reasonable nor responsible justifications for the proposal have been forthcoming from the Government.

We humbly pray that the House of Representatives, in Parliament assembled, should reject any proposal for a National Identification Numbering System.

by **Mr Ian Cameron.**

Petition received.

Proposed Identity Card

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The petition of the undersigned citizens of Australia respectfully sheweth:

That the proposed introduction of compulsory identification cards should be reconsidered and rejected because the proposal;

Is not a cost-effective method of reducing tax evasion and social security fraud, and to the contrary, in the form proposed will facilitate such evasion and fraud,

Will constitute an unwarranted infringement of individual privacy by the aggregation of a wide variety of personal information of a private matter,

Will cause a further large and costly growth in the bureaucracy and burden on the tax payer, and

Cannot be guaranteed against misuse for purposes other than for which their introduction is stated to be intended.

And your petitioners humbly pray that the problems which identification cards are intended to reduce should be attacked by other, more effective methods.

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

by **Mr Cobb.**

Petition received.

Telecom Services

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The petition of certain citizens of Australia shows:

We object to the proposal of Telecom to charge for each three minutes of a local call, as we feel this would disadvantage the elderly and people who are unable to leave their homes.

The telephone is often the only contact relatives can have to check on the safety and well-being of those they care for.

The inordinate time span which elapses between connection to a business premises and speaking, as the caller holds the line or is transferred between departments, would also disadvantage subscribers who can ill afford it.

Your petitioners therefore pray that Telecom abandons the proposal to time charge local telephone calls as we believe that the charges Telecom makes at the moment are quite adequate.

by **Mrs Darling.**

Petition received.

GyMEA Bay Post Office, New South Wales

To the Honourable the Speaker and Members of the House of Representatives assembled. The humble petition of the undersigned citizens of Australia respectfully sheweth:

That we strenuously object to the proposal that the Post Office at GyMEA Bay be closed. The Post Office serves a community need and we would be seriously inconvenienced by having to travel to another centre for our postal requirements, or even to collect registered letters and parcels, cash pension cheques and transact banking. Many of us are pensioners and the cost of such travel would be an unnecessary imposition. The nearest Post Office is 2.3 kms away with no convenient transport.

We maintain that the purpose of the Post Offices should be to serve the public for the variety of services they offer, and that they should not be closed merely to save money or help Australia Post make a profit.

Your petitioners therefore humbly pray that the House should take all possible steps to prevent the closure of GyMEA Bay Post Office.

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

by **Mr Dobie**.

Petition received.

Kurnell Peninsula

To the Honourable the Speaker, and the Members of the House of Representatives in Parliament assembled. The petition of the undersigned citizens of Australia respectfully sayeth.

Your petitioners humbly pray that your honourable House direct that the existing 4 (C4) zoning on the Kurnell Peninsula, in New South Wales, be removed and that this be replaced by a zoning more appropriate to the unique ecology of the area and to the historical significance of the Kurnell Peninsula, being the birth-place of the nation.

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

by **Mr Dobie**.

Petition received.

X-rated Videos

To the Honourable the Speaker and the Members of the House of Representatives of the Commonwealth of Australia in Parliament assembled: The humble petition of the undersigned citizens of Australia respectfully showeth concern:

About the evil caused by the fact that X-rated videos with their depiction of unnatural sex and often horrible violence, are allowed to circulate around Australia from Canberra.

And your petitioners, therefore humbly pray that such circulation be prevented.

The laws regarding obscenity in the media should also be revived and enforced.

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

by **Mr Hawker**.

Petition received.

Nuclear-Free Zones

To the Honourable the Speaker and the Members of the House of Representatives in Parliament assembled. The humble petition of citizens of Australia shows:

That the people of New Zealand and the New Zealand Government have given an example to the world in their efforts to achieve a nuclear free South Pacific, and such decision being endorsed by the people at a general election.

Your petitioners therefore pray that the Australian Government support the principled stand taken by the New Zealand Government and urges it to condemn any efforts by the U.S. Government to impose economic or other sanctions on New Zealand in retaliation for their stand on nuclear vessels.

We further urge the Australian Government to urgently implement its policy to promote the development of zones of peace and nuclear free zones in the Indian and Pacific Oceans.

by **Mr Kent**.

Petition received.

Telecom Business Offices

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned citizens of Australia respectfully showeth:

That we oppose plans by Telecom Australia to close many of the Telecom Business Offices (TBO's) and replace them with a reduced service to be co-located with the District Customer Services Office. We believe the public should be able to make telephone bill payments, applications for new services, selection of telephones and complaints, in person at a convenient and easily accessible location. Telecom Business offices provide this service, and therefore it is wrong that their contribution and performance will only be assessed on their sales revenue.

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to: instruct the management of Telecom Australia to immediately cease all action to close any Telecom Business Offices, and to re-establish the services provided by TBO's already closed.

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

by **Mr Lindsay**.

Petition received.

1988 Jack High Bowling Tournament

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The petition of the undersigned citizens of Australia respectfully showeth that:

1. The decision by the Australian Broadcasting Corporation not to televise the Jack High Bowling Tournament in 1988 is cause for distress to the 500,000 bowlers and many non bowlers who, for years, have enjoyed this interesting programme on television.

2. The unilateral decision was taken after verbal assurances had been given that the 1988 event would be televised. This action is deplored and we feel should be reversed by the parliament in the interests of your many constituents.

by **Mr Rocher**.

Petition received.

Child Pornography: X-rated Videos

To the Honourable the Speaker, and Members of the House of Representatives of the Parliament of Australia assembled. We, the undersigned, being appalled that the Government has set no penalty for the possession of child pornography, and has set no penalty for importing unclassified child pornography, do ask that Parliament urgently legislate to:

make the importation of child pornography, and the possession of child pornography, and all tapes and goods banned by Customs, to be a criminal offence, with deterrent penalties; and

close the Customs barriers to pornography in the A.C.T., in respect of X-rated videos, (and ER) and end the shameful Canberra trade, and the Mafia connections.

Because 98% of Australians in other States have banned X-rated videos.

Because the trade is still flourishing, and it's availability escalates sexual crime.

Because importers of child pornography face only a fine for lying.

Because child pornography pedlars are safe if they cross a border, and cannot be extradited for the summary offence.

Because anyone can have these tapes in their possession for private use.

Because the Government does not intervene in that.

Your petitioners therefore humbly pray that you will give this matter earnest consideration, and your petitioners, as in duty bound, will ever pray.

by **Mr Rocher.**

Petition received.

Proposed Identity Card

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of certain citizens of Australia respectfully sheweth:

The Government by persisting with the Australia Card Bill has wilfully rejected the advice and recommendations of the Parliament of the Commonwealth of Australia's 'Joint Select Committee on an Australia Card' which unequivocally rejected the Government's proposal in these words:

'The majority believes the creation of a new bureaucracy of 2000 public servants within the HIC (Health Insurance Commission), with the sole task of identifying every man, woman and child in Australia, is a wasteful exercise which will not address the problems of tax evasion and social security fraud but will provide the mechanism by which the very fabric of our society will be irreversibly altered, opening the way for the greatest attack on the privacy of individuals as the 'Identity Bureau' identifies, monitors, and updates information on every person in Australia.' (Report, 4.55, page 148)

Your petitioners therefore humbly pray that the Government now withdraw the Bill as being contrary to the Common Law and traditional freedoms we have hitherto enjoyed in Australia, and should the Bill be nevertheless re-introduced, that the Members of the House without regard for party should unanimously reject the Australia Card Bill as being contrary to our personal liberties and the national interest.

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

by **Mr Rocher.**

Petition received.

Department of Veterans' Affairs

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned citizens of Australia respectfully sheweth that:

Any proposals to abolish the Department of Veterans' Affairs gravely concern ex-servicemen, ex-servicewomen and their families, because they renege on clear and unequivocal commitments from various Commonwealth Governments to properly care for Australia's Veterans.

Your petitioners humbly pray that the House of Representatives in Parliament assembled, urge the Parliament to:

Ensure that the Department of Veterans' Affairs continues to exist as a separate and distinct Department of State servicing the needs of Veterans and their families.

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

by **Mr Ruddock.**

Petition received.

Prescription Drugs for Pensioners

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned citizens of Richmond electorate respectfully sheweth that:

1. We the undersigned are totally opposed to the introduction of a \$2.00 fee on prescription drugs for pensioners;
2. The impact of such a fee will be particularly felt by the chronically ill elderly who will be faced with a \$2.00 burden with the purchase of each Pharmaceutical Benefit Scheme drug;

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to: Ensure that prescription drugs continue to be provided to the pensioner population without the \$2.00 fee on each prescription.

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

by **Mr Blunt.**

Petition received.

Industrial Relations Bill

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned citizens of Richmond electorate respectfully sheweth that:

the Hawke Labor Government's Industrial Relations Bill will increase industrial disputation, bankrupt companies, and give the union movement total and absolute power over the Australian community.

Your petitioners humbly pray that the House of Representatives, in Parliament assembled, urge the Government to: Reject Labor's Industrial Relations Bill to save Australia from the actions of militant unions and give our economy a chance of recovering.

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

by **Mr Blunt**.

Petition received.

VISIT BY PRIME MINISTER TO SOVIET UNION

Discussion of Matter of Public Importance

Mr DEPUTY SPEAKER (Mr Leo McLeay)

—Madam Speaker has received a letter from the Leader of the Opposition (Mr Howard) proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The fundamental issues which must be addressed by the Prime Minister during his forthcoming visit to the Soviet Union.

I call upon those members who approve of the proposed discussion to rise in their places.

More than the number of members required by the Standing Orders having risen in their places—

Mr HOWARD (Bennelong—Leader of the Opposition) (3.09)—Tomorrow, the Prime Minister (Mr Hawke) will be leaving on a visit to the Soviet Union. In terms of the importance of the occasion, the Opposition wishes the Prime Minister success because he goes there representing the interests of this country. It is important because it gives him an opportunity to put areas of direct concern. It is important, on the eve of his visit to the Soviet Union, that we get very clearly in his mind, and in the minds of the Australian people, that this is no mere publicity junket. It is not an occasion for the maximum photograph opportunities. It is not an occasion for a large number of photographs of his pastimes. Rather, it is an occasion for recognising that the Prime Minister has an opportunity to put to the Soviet Union the direct concerns that this country legitimately has about matters within the orbit of influence of the Soviet Union. The Soviet Union is a super-power and a major force of instability in the world, particularly in the Asian-Pacific region. As a democracy, with deep and unashamed links with the Western alliance, Australia has nothing in common with the Soviet Union in terms of ideology, experience or values.

I make it clear at the very beginning of my remarks that we in the Liberal and National parties reject emphatically any notion of moral equivalence between the Soviet Union and the United States of America in her role as leader of the Western alliance. The Soviet Union, nevertheless, is a dominant global political and military force. We do have a legitimate interest in pursuing diplomatic ties, trade and other mat-

ters. It would be a cause of very great regret if the Prime Minister's well-known desire for successful media events transcended the national interest which is involved in his visit.

In recent months numerous and extravagant claims have been made about glasnost but it is a concept which is yet to withstand the test of sustained scrutiny. In a democracy like our own, public statements and policy declarations are subject to detailed scrutiny against the record of day to day actions. That, of course, is not a feature of totalitarian states such as the Soviet Union. Should events prove that glasnost represents a genuine attempt to open up the entrenched and privileged party military structure which manipulates the range of Soviet power, the Liberal and National parties would seek to encourage further steps in that direction. However, the facts as yet do not support that conclusion.

There is no evidence that glasnost has any application in the way in which the Soviet Union pursues its basic foreign policy or external military objectives, apart from presenting a more attractive public relations face to the Western media. Indeed, the available evidence suggests that glasnost has a narrower and more sharply defined objective, namely, that of making the communist economic model more transparently competitive with its Western counterpart. To succeed in that objective it desperately needs access to Western capital and Western technology.

Australia's response to these events must be cautious because it remains far from certain that glasnost will become a permanent feature of the Soviet landscape. Nonetheless, as recent events have shown, the competitive forces that drive glasnost will from time to time produce opportunities for potentially significant gains in the area of arms control. The Opposition shares the remarks of the Prime Minister when he welcomed at Question Time today the imminent conclusion of the treaty on intermediate-range nuclear forces between the Soviet Union and the United States.

But let it be said, in case there is any doubt about the attitude of those who sit on this side of the House, that that treaty would never have come about but for a decision of the Reagan Administration to negotiate from a position of strength and not from a position of weakness. The Soviets would never have gone to the negotiating table at Geneva if the Reagan Administration had discarded the strategic arms program; if the United States had not gone ahead

with the MX missile program; or if it had not gone ahead with research into the strategic defence initiative. It was the determination of the United States to pursue those objectives and the willingness of the United States to spend large amounts of her gross domestic product on defence, a factor often forgotten when the nations of the West lecture the Reagan Administration about its economic policies, forgetting that most of the West has had a free ride on American defence expenditure for the past 10 or 15 years.

It is about time in this international breast beating that is going on about American economic policy that that factor is recognised. If the United States had not given the rest of the Western world such a free ride on defence expenditure, our budgetary situations would have been a great deal more difficult. It is a factor that is often forgotten, particularly by our Prime Minister and Treasurer (Mr Keating), when they presume to give moral lectures to the United States about all manner of things.

It is our observation that in the 4½ years it has been in office this Government has spent an inordinate amount of time diminishing the very real ideological differences that remain between Australia and the Soviet Union. There seems on the part of the Government to be no shame in that, and it has occurred at a time when our regional strategic environment has worsened. Let us take the tragedy of Afghanistan for one moment. Almost one million people have died in Afghanistan. There are four to five million Afghanistani refugees on the Pakistan border. Yet in 1986 when Shevardnadze came to Australia, our Minister for Foreign Affairs and Trade (Mr Hayden) did not even mention the subject of Afghanistan to the Soviet Foreign Minister. When the delegation from the Soviet Presidium came to see me as Leader of the Opposition, my staff asked the then Department of Foreign Affairs for a briefing paper on Australian-Soviet relationships. I received a 3½-page briefing paper on all the outstanding bilateral issues between Australia and the Soviet Union. There was not one mention of Afghanistan in that briefing paper. That is how much the Government of this country cares about the tragedy. If it had not been for the hectoring of the Opposition and the fact that we raised the matter, the Prime Minister would not have given the undertaking that he did the other day, that he would raise the issue of Afghanistan. The Foreign Minister went to the Soviet Union a couple of years ago. I well remember him waxing lyrical in this House about a speech he made at a reception given by the then Soviet Foreign Minister, Mr Gromyko,

shortly before he retired. He said, 'Gromyko said this and I said that'. I asked him whether he mentioned Afghanistan and he said, 'Oh, no, I talked about that in some other environment'.

The fact of the matter is that this Government has put the Afghanistani tragedy on the back burner of our international relations concerns. We carry on about things that have happened in other countries, but when they have a real tragedy of five million refugees on the Pakistan border, they pretend it does not exist. The Treasurer was right. In 1979 when Malcolm Fraser showed real leadership on the Afghanistan issue, the Treasurer got up in this Parliament and said, 'Who cares about Afghanistan; anyway, where is Afghanistan?'. Of course, the Government, in the time that it has been in power, has demonstrated that very clearly.

As the eighth anniversary of the invasion of Afghanistan approaches, it is vital that sustained international pressure be put on the Soviet Government. Despite its early pledge of the centrality of human rights in its foreign policy goals, this Government has lost all interest in that issue. It gives token support to an annual United Nations resolution condemning the Soviet occupation. It allows its foreign Minister to incite people to murder in pursuit of what they regard as human rights goals; yet it remains for all practical purposes mute on the most outrageous current example of aggression by one major power against another. Until the Government really becomes serious about pursuing some kind of leadership role as a middle power on Afghanistan, its moral credentials to lecture me, any other government or group of people in the world are greatly diminished.

Mr Cobb—It is selective morality.

Mr HOWARD—It does display, as the honourable member for Parkes said, an extraordinary degree of selective morality. Our failure to raise the Afghanistan issue merely underwrites the cynicism of the Soviet Union. There are still 115,000 Soviet troops in Afghanistan, and Gorbachev's announcement last year of a partial Soviet troop withdrawal was nothing more than a ruse. While outdated anti-aircraft units and a few exhausted regiments have been withdrawn, those 115,000 Soviet troops still remain. We will be watching very carefully to see how serious the Prime Minister is in pursuing this issue when he goes to Moscow.

Of equal seriousness is the level of Soviet expansion in our part of the world. The Hawke Government has proved itself quite incapable of coming to terms with, or wanting to see, the

strategic implications of the new aggressive Soviet diplomacy in our part of the world. Does the Government really understand that the largest forward naval base in the world is the Soviet naval base at Cam Ranh Bay? Does the Government really understand that 10 to 15 years ago that base and those facilities were occupied by the United States and that they are now occupied by the Soviet Union? Has the Government really understood the significance of Gorbachev's speech at Vladivostok in July 1986, when he threw down the gauntlet and challenged the notion that the Pacific could remain free from Soviet influence? After all, the Minister for Defence (Mr Beazley) initially endorsed the analysis of the Dibb Review of Australia's Defence Capabilities, and Dibb was monumentally complacent about the potential instability of the Pacific region.

On every issue in our part of the world this Government has been caught napping. It has allowed our relations with Indonesia to deteriorate; it has allowed the events in the South Pacific, culminating in the coup in Fiji, to come upon it without any apparent forward intelligence warning of what was going to happen; and it has allowed the expansion of Soviet influence in the Pacific area to occur without any adjustment of our policy and without any real appreciation of the extent to which the Soviets have encroached into our area. The Government places benign faith in a treaty which purportedly makes the Pacific area nuclear free. The Soviet Union greets that treaty with contemptuous relish because its massive naval base at Cam Ranh Bay is outside the area of the nuclear free zone. One-third of all Soviet SS20 warheads are deployed in the Soviet far east and they are targeted on east Asia and the Pacific.

To a very large extent, the sorts of policies which are symbolised by this Government's complacency on the changed strategic balance in our part of the world have been responsible for the Soviet buildup in the Pacific region. If anybody thinks that what I am saying is alarmist, irrelevant talk, he should just contemplate the changed strategic environment of our part of the world if there were to be a radical change in the power structure in the Philippines and if the bases now maintained in the Philippines by the United States were to come under threat. The events in Fiji have demonstrated how fragile is the democratic hold on many of the island states of our part of the world.

These matters emphasise one very important point, and that is that the Prime Minister's visit

to the Soviet Union will not be an occasion for picture facilities; it will not be an occasion for bland talk about the mutual respect and admiration that exists between the Soviet people and the Australian people. It is an opportunity for a middle ranking power—that is Australia—to put to the Soviet Union, in a hard headed manner, the very real concerns we have about not only human rights issues and the Soviet occupation of Afghanistan but also the spread of Soviet influence in our part of the world. The Prime Minister must do his job and represent the interests of this country.

Mr DEPUTY SPEAKER—Order! The honourable member's time has expired.

Mr Fife—Mr Deputy Speaker, with your indulgence may I ask the Minister at the table whether the Prime Minister will come into the chamber for this debate? Only three members of the Government Party are in the chamber.

Mr DEPUTY SPEAKER—Order! There is no point of order. The honourable member for Hume is using a device.

Mr BILNEY (Kingston) (3.25)—Not all of the advice that the Leader of the Opposition (Mr Howard) has just given to the Prime Minister (Mr Hawke) on his impending visit to the Soviet Union was bad; but it was all gratuitous. I remember very well that the previous Prime Minister—the Prime Minister whom Mr Hawke defeated—had a certain attitude to the Soviet Union, and that attitude can best be described as entirely hypocritical and entirely founded in Cold War attitudes which had nothing to do with the interests of this country.

It was that Prime Minister who purported to institute a freeze in relations between Australia and the Soviet Union. It was that Prime Minister who never visited the Soviet Union. It was that Prime Minister who confined his lecturing of the Soviet Union to forums in which the Soviet Union was as capable of taking as little notice of what Mr Fraser said as indeed it did. It took no notice of what he said. It was that Prime Minister who purported to stop Australian sportsmen competing in the Moscow Olympics for no other reason than ideological reasons, and he did it in a way which involved the payment of grubby amounts of money to people who went along with his view that politics should be intruded into sport.

While not all of the Leader of the Opposition's advice is unacceptable, it is entirely gratuitous, coming from the leader of a party which

has a record of dealing with the Soviet Union as unsuccessful as that of his Party.

Dr Klugman—Who is their President?

Mr BILNEY—The honourable member for Prospect reminds me that, at the same time as our Prime Minister will be in the Soviet Union, the President of the Liberal Party of Australia, one John Elliott—who is also President, I think, of the Australian-USSR Business Council and has companies which have many dealings with the Soviet Union and profit greatly from them—will be visiting the Soviet Union. Who is to say that this is wrong? The Soviet Union is an important country and an important part of our world.

The Prime Minister's visit will be an important visit and is taking place at an important time. He will deal with important issues and it is absolutely right that he is making it. He will deal with a number of other issues besides those which the Leader of the Opposition has mentioned. But I want to deal first of all with those issues to which the Leader of the Opposition turned his attention. The first is that of disarmament and the agreement which will very shortly be consummated between the United States and the Soviet Union on the abolition of intermediate-range nuclear forces.

The Leader of the Opposition's argument—I thought it was an entirely graceless argument—was that that abolition would not have happened had it not been for the policies being pursued by the United States. For example, if the United States had not pursued the strategic defence initiative and had not refused at Reykjavik to give away that initiative, we would not have had an agreement on INF. He is entitled to his view, although I suspect that it is an unsophisticated and uninformed view. I think that that agreement would not have taken place had it not been for the actions and expressed wishes of a large number of countries, including this country, which kept saying to both of the super-powers—not just one of them—that they would not be idle bystanders in a continued escalation of the arms race and a continued deployment of weapons systems which have the potential of creating great instability.

I think there were players involved other than the Soviet Union and the United States. If Opposition members do not think so, they are extremely naive. Our Government has taken a leading part not just in intermediate-range nuclear forces but also in chemical weapons and the comprehensive nuclear test ban. It seems to me to be entirely to the credit of the Soviet

Union and of the United States that they have responded to that concern and have agreed to these historic arrangements. I remind the House that this is the first agreement in which nuclear arms have not just been limited in their rate of growth but in which they have actually been abolished—they will actually be destroyed. That seems to me to contain the seeds of great hope.

Why be graceless about an agreement that is so historic? Why not go to the Soviet Union and say that we appreciate what it and the United States have done in concluding this historic agreement? It gives the Prime Minister the opportunity to say things which are somewhat broader than those which the Leader of the Opposition mentioned. I am thinking, in particular, of strategic nuclear arms, of a comprehensive nuclear test ban treaty. I am thinking of the Treaty of Rarotonga, the South Pacific Nuclear Free Zone Treaty, on which, I remind the House, the Leader of the Opposition on behalf of his Party poured such scorn. I think Australians welcome the fact that in the South Pacific we have initiated, pursued and concluded an agreement which has attracted the support of a number of powers including the Soviet Union for a banning of nuclear arms in our part of the world. If that is not a good development I do not know what is. It will be important for the Prime Minister to say to the Soviet Union that we are happy at its accession to the South Pacific Nuclear Free Zone Treaty and that we are hopeful that in the time the United States and other powers which have an interest in this part of the world will also agree to be part of that historic treaty. That is another important purpose that the Prime Minister's visit will serve.

The third and I think the only other matter, if I am not mistaken, which was mentioned by the Leader of the Opposition is the question of Afghanistan. The Leader of the Opposition got himself into a considerable lather over whether this subject would be raised by the Prime Minister during his visit to the Soviet Union. The Leader of the Opposition has an extremely short memory because only yesterday in the House the Prime Minister answered a question from the honourable member for North Sydney (Mr Spender). The Prime Minister was asked whether he would request from Mr Gorbachev a timetable for the withdrawal of Soviet forces from Afghanistan, whether he would advise him of our Government's opposition to any attempt by the Soviet Union to extend its economic and political influence in South East Asia or the South Pacific; and the question went on. The Prime Minister responded in this way:

. . . I can assure the honourable member that my Government has not forgotten Afghanistan. We continue to express our very deep concern about the situation in that country. We have done so in this Parliament, we have done so in international forums and we have done so directly to the Soviet authorities. So that the position in regard to Afghanistan is quite clear, I point out that under this Government, Australia does not recognise the Afghan regime. Australia delivered a major statement at the current United Nations General Assembly strongly supporting the call by the majority of UN members to the Soviet Union to withdraw its forces from Afghanistan.

In the United Nations General Assembly and in the United Nations Commission on Human Rights in Geneva, Australia has also addressed the denial of fundamental human rights to the Afghan people. We will continue to oppose the Soviet occupation of Afghanistan and support fully efforts by the United Nations special representative to achieve an early negotiated settlement of the conflict.

He went on to say:

With regard to Afghanistan, I inform the honourable gentleman . . . that this year Australia will provide food aid for Afghan refugees valued at approximately \$4m. I also make the point that Australia is one of the few countries which have accepted any Afghan refugees for resettlement.

He concluded that paragraph by saying:

I will make the same representations and points again when I am in Moscow.

What could be clearer than that? It seems to me that this is artificial indignation on the part of the Leader of the Opposition when he says that we are not serious about Afghanistan. If anybody is not serious about Afghanistan it has to be the Liberal Party because it was the Liberal Party, under the leadership of Mr Fraser, which made a great deal of noise—not much else—about Afghanistan at the same time as Mr Fraser was selling wool from Nareen which clothed the Russian soldiers who went into Afghanistan.

Mr Staples—He didn't, did he?

Mr BILNEY—Yes. It was certainly the case that Australian wool was being sold to Russia at that time.

Dr Klugman—That was Fraser's own wool.

Mr BILNEY—It was Mr Fraser's own wool, as I am led to understand by the honourable member for Prospect. Those are the points the Leader of the Opposition mentioned and they show a pretty limited imagination about the things that ought to be raised in a visit to the Soviet Union by the Australian Prime Minister.

I want to talk about two or three other things which ought to be raised and which the Leader of the Opposition did not mention. One is the

question of human rights in the Soviet Union. I am surprised that the motion refers to the fundamental issues which must be addressed by the Prime Minister during his visit to the Soviet Union and yet the Leader of the Opposition did not pay any attention to human rights. The Soviet Union became party to the Helsinki agreements which purported to protect and advance the human rights of persons not just within the Soviet Union but within the Eastern bloc and elsewhere. A number of us in this country have been disappointed by the fact that, at least until recently, that appeared to be an agreement on paper only and that it did not protect the human rights, including right to emigrate, of people in the Soviet Union. That is a matter which I believe the Prime Minister should take up when he is in the Soviet Union. It is a matter that the Prime Minister I know will take up while he is in the Soviet Union. I am surprised that it has escaped the attention of the Opposition.

I have a particular and personal interest in the question of emigration from the Soviet Union because of a couple of families in my electorate. Persistent personal representations by the Minister for Foreign Affairs and Trade (Mr Hayden) to Soviet Foreign Minister Shevardnadze and his predecessor have resulted in approval being granted for people to leave the Soviet Union. I am happy to say that those people are now in Australia. It is something on which we can congratulate the Soviet Union for the progress that has been made. We can also say that we believe there would be much more understanding of the Soviet Union were it to accelerate the progress towards granting greater rights of emigration not just to Jewish people but to other people in the Soviet Union.

I cannot understand how the Opposition has not addressed its attention to trade. We enjoy an extremely good advantage in our trade relations with the Soviet Union. In some years recently that has been as much as 60 : 1 or 70 : 1; that is to say, for every dollar of imports that we take from the Soviet Union we export 60 or 70 times as much. If there were more countries which maintained that same sort of trading balance with us we would be in much better shape than we are. It is important to analyse the reasons why the Soviet Union is such a good customer of ours and to try to develop that trade, to make what accommodations we can to ensure that trade continues at those important levels in the interests of us all.

The last matter that the Leader of the Opposition touched on extremely briefly was the question of Soviet influence in the Indian and South Pacific oceans. That is an important issue. I am sure it will be another one which the Prime Minister will deal with when he is there, although not necessarily in the same Cold War spirit which the Leader of the Opposition raised.

I conclude on this note: if the Opposition was fair dinkum about reasonable policies towards the Soviet Union, it would have put a great deal more thought into not just its present policies but its actions in the past in the interests of developing this important relationship.

Mr DEPUTY SPEAKER (Mr Leo McLeay)—Order! The honourable member's time has expired. The discussion is concluded.

PUBLICATIONS COMMITTEE

Mr JENKINS (Scullin)—I present the second report from the House of Representatives Standing Committee on Publications sitting in conference with the Senate Standing Committee on Publications. Copies of the report have been circulated to honourable members in the chamber.

Report—by leave—adopted.

WAR CRIMES AMENDMENT BILL 1987

Second Reading

Debate resumed.

Mr N. A. BROWN (Menzies) (3.41)—Earlier today I was making the point that the War Crimes Amendment Bill, when it becomes law, will provide for war crimes trials to take place in Australia, and that evidence to be used in those trials will be collected overseas. We know, from the whole accumulation of knowledge that we have on this matter, that there will be some attempt to collect evidence from witnesses in Lithuania, Latvia and Estonia.

I was, with respect, warning the House of the great danger of relying on evidence collected under the systems presently operating in those countries, because of course they are unfortunately at the moment subject to Soviet domination. As a result, what procedures are followed will in effect be at the behest of the Soviet authorities, and at the end of the day they will determine what witnesses are called. I am fearful that they will also be determining what evidence will be given.

I was going on to say that when we look at the history of the Soviet Union in this area—there is plenty of evidence to support this from

Canada and the United States—we may well be faced with a situation where there is forged documentary evidence. There may well be forged passes, manufactured documentary evidence and witnesses, who have been intimidated giving evidence before the tribunals in Lithuania, Latvia and Estonia. There will be two very unfortunate consequences of that. The first consequence will be that there is a very grave danger of injustice being perpetrated as a result of evidence being collected in that manner. The second consequence, of course, may be that if there is an individual case which can be proved of a war crime having been committed, the person may in fact go scot-free because of the very way in which the evidence is collected.

There are many documented cases in Canada and the United States. The Deschenes report, which was prepared in Canada, based on the United States experience, documents many of those cases where the evidence collected in the Baltic States was collected under such circumstances that the court in the United States would not act on that evidence. There are many such cases referred to in the Deschenes report. Let me quote very briefly from one of those cases, the case of Maikovskis, where the American judge said this about the evidence that had been collected in Latvia:

. . . I am now called upon to accept testimony taken under the eye and supervision of the prosecutor installed by the Soviet invaders of the Republic of Latvia.

To sum up the evidence, he went on to say:

The picture that emerges is of craven victims acting out a badly-scripted scenario.

I suppose the reply to that will be that under the Commonwealth of Australia Evidence Act there is a discretion in the court not to accept the evidence. But frankly that does not go anywhere near satisfying the quite reasonable request that I have made to have the Evidence Act changed so a proper system is established and proper procedures are put in place so that if the evidence is going to be collected in those countries, it will be collected under our rules.

The Deschenes report in Canada made some very helpful suggestions as to the procedures which should be followed and said that there must be protection of reputations through confidentiality; there should be independent interpreters; there should be access to original documents; there should be access to witnesses' previous statements, there should be freedom of examination of witnesses in agreement with Canadian rules of evidence, and one could say

Australian rules of evidence; and lastly, and I think most importantly, it was recommended that there should be video-taping of such examinations. If there was a video-taping of the procedures in Lithuania, Latvia and Estonia, at least that would be an improvement on what there is at the moment. It is a matter of very great regret to me that the Attorney-General (Mr Lionel Bowen) should have said in his second reading speech that there will be no change to the Evidence Act and there is no need for any change to the Evidence Act. I believe there is a very real need to change the Evidence Act to guarantee that there is videotaping of these proceedings and to guarantee absolutely that if we are going to use this evidence in an Australian court, the rules that apply should be our rules and not the rules laid down by the Soviet Union and not the rules which the Soviet Union's officials apply in their own flexibility. If we do that, there is very grave danger of the whole proceedings being aborted. There is very grave danger of injustices being perpetrated, there is very grave danger of the whole proceedings being a complete waste of time and doing nothing but cause very great anguish to a large number of people.

I make those recommendations. I could go on and say that if the sorts of changes that I have suggested are made, at least that will remove one of those imperfections which I presently see in the legislation as it is. It is important that we make these sorts of amendments, and it is important that we accept that the amendments be moved by the honourable member for Flinders (Mr Reith) are ones of substance. That is tremendously important for two reasons. The first is that the whole approach that the Government has taken in this case is a generalised approach. It has arisen from the generalised smear which is being spread about towards some ethnic communities in this country. The general allegation has been made that they have been harbouring war criminals, and are still doing so. Of course, that is a complete departure from the way things have been done in the past. It is important for that reason that we should make sure that this legislation is at least reasonable and balanced and that it is going to work. It is, after all, retrospective legislation, and that should make us particularly cautious and particularly careful.

We on this side of the House have said that we will support the thrust of this legislation. We have also said, and I want to reiterate it, that the basis upon which we support it is that there are these amendments, which are substantial, and which really should be accepted by the Government. Finally, one of them, which I have

overlooked so far and which I should mention in conclusion, is that the operation of the Bill would extend to cover the activities of the Soviet Union during its own occupation of the Baltic States in the early 1940s. I would like to know whether the Soviet Union itself is going to be legislating, in the way that we are in this country, to take care of its own war criminals. Perhaps the Prime Minister (Mr Hawke) will take that up on his trip to the Soviet Union.

Mr DEPUTY SPEAKER (Mr Leo McLeay)—Order! The honourable member's time has expired.

Dr KLUGMAN (Prospect) (3.49)—I shall make only a very short contribution to this debate. My main worry is that the result of the legislation may in fact support the so-called revisionist history—the word 'so-called' should probably be in front of the word 'history' rather than the word 'revisionist'—of the David Irvings, the John Bennetts and other defenders of the late nazi regime in Germany. Their attempt to rewrite history was mentioned earlier today by the honourable member for Petrie (Mr Johns).

I believe there are many surviving nazi war criminals. As a matter of chance, some of them would undoubtedly live in Australia. My reservations are different to those of many honourable members opposite. The Opposition has concentrated on the conviction of innocent persons on false evidence. My fear is that it will be extremely difficult to obtain a criminal conviction, in other words, to prove guilt beyond reasonable doubt. After 45 years it would not be difficult for any defence lawyer to create sufficient doubt. Honourable members who are old enough would agree that it would be very difficult to remember faces, considering the fact that they would have changed in appearance, and the sorts of details required in response to cross-examination after such a long time.

Therefore, the chances are that guilty persons who were prosecuted would be acquitted unless they pleaded guilty, which they would undoubtedly be advised not to do. Their acquittal on the basis of doubt would be interpreted by many as indicating that they were not guilty and that the facts of the brutal killing of millions of people in Europe for political, religious or racial reasons were not as clearly proven soon after the war.

In my mind there is no doubt whatsoever that millions of people were brutally killed in Europe and that there are people who are, according to any possible definition, war criminals, or criminals—more than just war criminals. Their acquittal would help those who are trying to rewrite

history. Hopefully, all of us would deplore that. I appeal to the Attorney-General (Mr Lionel Bowen), or to the Director of Public Prosecutions—I am not sure who would have to launch the prosecutions—to keep this in mind before launching prosecutions and, unless he was quite certain that a conviction would result, not to go on with the prosecution, not only because of the expense involved but also, and more importantly, because of what I have raised in my very short contribution: the effect of acquittal because of doubt, rather than acquittal because of absence of guilt.

Mr LIONEL BOWEN (Kingsford-Smith—Attorney-General) (3.52)—I thank all honourable members for their contributions. I appreciate what the Opposition is endeavouring to do in the proposals it is asking the House to consider by way of motion. The House has acknowledged that the *Menzies Review of Material Relating to the Entry of Suspected War Criminals into Australia* was a very good review. It looked at whether there was any evidence of war crimes and, if so, whether there was any evidence of war criminals living in Australia. The report indicated that a list of names had been given to a Minister and suggested that there be a special investigator to report on the nature of evidence that may be available.

It is fair to say that as I stand here at present we have no evidence of any particular incident that would relate to the identification of a war criminal in Australia. Nevertheless, apparently names have been submitted, which are the subject of further investigation. In the early part of the Menzies report, paragraph 2.12, he talks about allegations and the fact that the allegations are very serious because they involve the lives of many hundreds of people who were sent to their deaths with what he describes as 'the utmost cruelty and depravity'. In regard to the standards that we in Australia accept as normal behaviour and what should be punishable, I am pleased to note that the House agrees that if there are people who fall within the category of war criminals they should be brought to justice. This leads to the question of how best we might do so. This legislation is unique. It is the best in the world at present. No other nation has gone to the trouble of preparing legislation in accordance with these principles.

Mr Reith—The Canadians have passed theirs.

Mr LIONEL BOWEN—They might have passed their legislation, but only after we clearly indicated what we were going to do. They have not yet proceeded with anything. I appreciate

the fact that the Opposition wants us to understand the significance of what it is about. We want the Opposition to understand, as we have indicated to the Baltic Council of Australia and other groups, that this is not a witch hunt. It is a question of ascertaining whether there is any evidence and, if there is, how we should proceed in Australia.

The second reading amendment proceeds in a formal way, suggesting that we omit all words after 'that' and, insert 'whilst not opposing the provisions of the Bill', the House does certain things. I am prepared basically to accept the amendment, with some tidying up. I do not know whether the Opposition will agree with the changes I propose. We would not accept the words 'whilst not opposing the provisions of the Bill'. We would insert after the motion 'That the Bill be now read a second time' words to the effect that the House acknowledges the first principle, namely, that the effluxion of time can be no answer to serious crime and that there is no statute of limitations in Australian law pertaining to serious crime. We have no objection to that. We have no objection to the second paragraph of the amendment, which notes the statement of the Government that the Special Investigations Unit would be wound up after two years. I would prefer the third paragraph to read:

(3) while not wishing to enact a sunset clause in this Bill, the Government should act expeditiously to ensure that any prosecutions are initiated within three years from the date of proclamation of this Bill.

In other words, we would leave out the words 'is of the opinion that having retrospectively created jurisdiction'. I ask the Opposition whether it agrees with what I am suggesting. It might alleviate their concerns.

Let me deal with the other motion of which the honourable member for Flinders (Mr Reith) has given us notice. The motion suggests that Standing Orders be suspended to allow the honourable member to move that matters arising out of the Bill be referred to the Standing Committee on Legal and Constitutional Affairs to report on the nature of the evidence believed to be available and whether it is likely to be of sufficient evidentiary value as to warrant the institution of any prosecutions. Even though it was attempted in the Senate and was somewhat successful, I do not think we can have a committee of the Parliament examining whether there is evidence for committal proceedings. I do not think that is the right way to go. I do not think the honourable gentleman intends that. I am prepared to give an undertaking that I will ask

Mr Greenwood and Mr Temby to appear before the Committee before we do anything further in terms of prosecution—that is, after there has been further investigation—and outline to the Committee the nature of the evidence in general, not specific, terms. The Committee can then make up its mind as to whether it is satisfied as to the matters which, for example, the honourable member for Menzies (Mr N. A. Brown) has raised, and which he has been quite entitled to raise as issues which concern him.

The honourable member for Menzies seemed to believe that we will not be bringing witnesses to Australia. As this would be a trial, in Australian terms, we would be bringing witnesses, if there are any, to Australia. They would be in the witness box and would be subject to cross-examination. I can understand the honourable member assuming that we would take some evidence overseas, but we are not.

Mr N. A. Brown—I was assuming both.

Mr LIONEL BOWEN—It will not be both. It will be a question of getting the best possible evidence available. If there are people overseas who have evidence to offer they will be brought here by arrangement to give their evidence in the witness box before a jury.

Mr N. A. Brown—That will be good.

Mr LIONEL BOWEN—I know it will be good. The process will probably take a long time. I hope that we do not have any such cases.

I come to another point that was raised by the honourable member for Dundas (Mr Ruddock), who was concerned about some initiative that had taken place. I give the assurance that all that has taken place is that Mr Greenwood went to the Soviet Union and had some discussions as to what evidence might be made available, should there be any such evidence. All that has happened has been an exchange of letters saying that if people and evidence are to be brought from the Soviet Union, that is a matter to be worked out in detail and the Australian Government would bear the cost of that. At this stage I have no further information to offer the honourable member because that matter has not been finalised.

Mr Ruddock—Will the correspondence be tabled?

Mr LIONEL BOWEN—Not at this stage. I have made it available to members of the Opposition, who have read it. Apparently the honourable member for Dundas does not know that. I do not want it tabled at this stage. It is no more significant than the fact that machinery

arrangements need to be made if we are trying to get the best possible evidence from the Soviet Union. I assure the honourable member that that is the position. The question yesterday suggested that we were to be lumbered with manufactured evidence in the Soviet Union and were not aware of what it might be doing to that evidence. I reiterate that Australian investigators will assess the merits of the evidence and will work out whether the evidence is valid. It will have nothing to do with anybody else. If the evidence is there, there will be a cost factor for us in bringing that evidence, whether it be by person or some other way, to Australia so that it may be brought before the jury, if a trial takes place. I think I have dealt with the matters of concern.

I come to the issue of occupation. The amendments which were foreshadowed indicate matters that are dealt with on the basis of definition of occupation. The idea is to extend the Bill to include the period, particularly in what are called the Baltic states, of occupation by the Soviet Union in a period that was not recognised as being a period of war—from August 1939 to mid-1941. It is well known that there was not a war in that zone at that stage. The Baltic Council of Australia wrote to me saying:

As you know, the Baltic States were occupied by the Soviet Union in 1940 pursuant to a Nazi-Soviet agreement on 23 August 1939 because there was no war between the occupying and occupied powers.

This Bill basically talks about war crimes and is limited to the period 1939 to 1945, that being the World War period. It is intended to deal only with circumstances that arise out of the war and not circumstances which do not arise out of the war, no matter how serious they might be. I would add that we are not aware of anybody in that area who would have been a war criminal. One assumes, I suppose, that they are Soviet people who migrated here, but I do not know. That is all they could be, I would think, unless there is some other person.

If there is any evidence at any stage, I am sure that if honourable members felt that that should be the subject of further investigation by this Parliament or somewhere else, I would not want to say that that should not be looked at. At this stage we are dealing with the period that was recognised as war time and that area at that time was not a war zone. For that reason I cannot accept that amendment.

Mr DEPUTY SPEAKER—The Attorney is talking about committee stage amendments, I presume.

Mr LIONEL BOWEN—I am talking about the amendments as foreshadowed. I thought that if I were persuasive enough, they would not be moved, which would shorten debate. There was a suggested amendment relating to surrender of persons. There is a problem. We have made it clear that pursuant to this legislation nobody will be extradited back to any other country. We do have treaties with other countries; this provision is all-embracing. Section 18B of the Extradition (Foreign States) Act provides that in any other case the magistrate is to determine the issue on the basis of a *prima facie* case. That is not the law at present with other nations in respect of treaties. Therefore, I do not accept it on that basis. It could not affect treaties that we already have. I give the assurance that nobody will be extradited under this Bill. They will be dealt with in this country, that is clear. I have dealt with the matters the Opposition has in mind. I would be grateful if the Opposition would consider whether it wishes to go ahead with its amendments, because basically we are *ad idem* on the issues.

I conclude by saying that this is a difficult problem for Australia. It is to be dealt with on a non-party basis. A lot of concern has been expressed. I pay tribute to Mr Greenwood, the special investigator, for the great efforts he has already made in travelling the world to ascertain what evidence is available. I emphasise that if there is evidence it will go to the Director of Public Prosecutions, Mr Temby, who will then evaluate it.

It was suggested that there would be an annual report. I remind the House that Mr Temby gives an annual report and could pick that matter up. I would have no objection to a report. I welcome the fact that there might be need for some appraisal of what Mr Greenwood and Mr Temby feel is the nature of the evidence. I am happy that that matter be discussed by the appropriate standing committee. One hopes that nobody will be the subject of any charge in Australia. That will depend on the evidence. It is recognised that the evidence would have to be in accordance with Australian standards. It would have to comply with the Evidence Act. It would have to be of sufficient weight to be admitted and would have to be in the interests of justice that it was admitted. There will be a jury to assess the matter, and we lead the world in that respect. No other nation has yet taken that course.

Having given those explanations, I think that we have now got to a stage where the Bill should

be able to proceed so that Mr Greenwood will be able to complete his investigations. Following that, if there are matters of evidence, I give an undertaking that before any prosecution is launched the standing committee will be advised in general terms of the nature of that evidence.

Mr DEPUTY SPEAKER—I take it that the Attorney is giving certain undertakings in relation to the sentiments of the amendment.

Mr LIONEL BOWEN—Yes, Mr Deputy Speaker.

Mr REITH (Flinders)—Mr Deputy Speaker, I seek your indulgence.

Mr DEPUTY SPEAKER—I call the honourable member for Flinders.

Mr REITH—I welcome many of the remarks made by the Attorney-General (Mr Lionel Bowen). Without wishing to debate them or extend the Chair's indulgence, I understand that it is possible for me, with the leave of the House, to seek to withdraw the second reading amendment and to resubmit it with the alterations as adverted to by the Attorney-General. If he were of that mind and with the Chair's support, I would be happy to undertake that course of action.

Mr DEPUTY SPEAKER—That proposition is allowable. The honourable member would need the leave of the House which I imagine in the current atmosphere would be granted—to resubmit the amendment.

Mr Lionel Bowen—The best I can do is accept the sentiments which have been expressed.

Mr REITH—It is a reflection on the procedures of this House that when both sides come to an agreement on a matter of significance there are in fact no procedures by which we can finally dispose of this matter. In a spirit of co-operation, I inform the House that our previous intention to divide the House will not be proceeded with.

Mr DEPUTY SPEAKER—The procedures of the House are that a second reading amendment cannot be amended without losing the Bill. I take it that the Attorney-General has given some undertakings which have been accepted by the Opposition, after which the Opposition is seeking leave to withdraw its amendment.

Mr REITH—I seek leave to withdraw the amendment to the motion for the second reading of the Bill.

Amendment—by leave—withdrawn.

Original question resolved in the affirmative.

Bill read a second time.

Suspension of Standing Orders

Mr REITH (Flinders) (4.12)—I move:

That so much of the Standing Orders be suspended as would prevent the honourable member for Flinders from moving. That the following matters arising out of the Bill be referred to the Standing Committee on Legal and Constitutional Affairs, for inquiry and report by 1 June 1988:

- (1) whether the nature of the evidence and related material believed to be available in foreign states (in particular Eastern bloc countries) is likely to be of sufficient evidentiary value as to warrant the institution of any proceedings;
- (2) if so, what procedures should apply to the collection of evidence in foreign states;
- (3) the most appropriate procedures for presentation of that evidence in an Australian trial; and
- (4) the most appropriate procedures for instituting and conducting war trials, bearing in mind the need to ensure there is diminution in the normal standards of justice available in Australia.

Mr DEPUTY SPEAKER—Is the motion seconded?

Mr Ruddock—I second the motion.

Mr REITH—Perhaps I might briefly refer to the remarks of the Attorney-General (Mr Lionel Bowen) again——

Mr Lionel Bowen—On a point of order, Mr Deputy Speaker: the motion seeks the suspension of the relevant Standing Orders. I am happy to suspend the Standing Orders.

Mr DEPUTY SPEAKER—The Government has indicated that it will agree to the suspension of Standing Orders.

Mr REITH—Mr Deputy Speaker, I have 10 minutes available to me in which to address the issues and I will not need further time. I am sure that I will have your indulgence to range more widely than I would otherwise on the suspension motion, in view of the remarks of the Attorney-General. First, the Attorney-General's indications a moment ago are welcomed by the Opposition. He said that he thought it important, as we put it, that both Mr Greenwood and Mr Temby appear before the House of Representatives Standing Committee on Legal and Constitutional Affairs to address these issues of evidence. That is something which I welcome. It is something which I have heard for the first time this afternoon and naturally that places some difficulty on the Opposition to provide a full and complete response in dealing with the motion which we have already put and for which I have sought the suspension of Standing Orders to facilitate.

In fact, the rationale for the proposal arises out of the report of the Menzies *Review of Material Relating to the Entry of Suspected War Criminals into Australia*. In his opening remarks the Attorney-General, who concluded the second reading debate, quite properly made the statement that both sides of this House had recognised what a good report Mr Menzies had made. We do not back away from that; in fact, we rely on it for the proposition which we have put. The Menzies recommendation followed a course of action that had been undertaken in Canada. That has been a useful exercise for the Canadians. I referred to some comments made in the Canadian House of Commons in August this year about their general concerns. There are concerns in the community about the arrangements that have been or might be made to procure evidence. We have some reassuring statements from the Attorney-General concerning witnesses coming to Australia. I think that was a very important revelation to the House and certainly will greatly affect the manner in which many people will consider this Bill. We have said all along that evidence problems will arise. They will cause great controversy and it is our duty to look for a mechanism to ensure that all those difficulties and concerns that will arise as time goes on are met and met now. Let us not allow hares to run without addressing the issues. The sort of proposal which we have put up today, and which has been in part favourably responded to by the Attorney-General, is a process to meet those concerns.

Today we have had a very good start to these issues. There is a feeling around this chamber that we need to treat these matters on a bipartisan basis. I accept the undertakings of the Attorney-General in respect of some evidence by Mr Temby and Mr Greenwood. I think that process will go a long way towards meeting our concerns; not necessarily the full way, but a fair way. I foreshadow that eventually that may well meet all of the concerns.

Mr RUDDOCK (Dundas) (4.17)—In seconding the motion, I want to make a few observations, I hope with your indulgence Mr Deputy Speaker, so that I can cover the field rather than limit myself to the specific matters covered by the motion for the suspension of Standing Orders. There are several points I want to make. I advert again to the fourth page of the Attorney-General's speech in moving for the second reading of the War Crimes Amendment Bill. He said:

No person will be deported to any country on the basis of a simple allegation that the person has committed a war crime. Australia must, of course, honour its

obligations under extradition treaties, but the intention is that Australian citizens and residents accused of war crimes be dealt with in this country and this course is open under the treaties.

I put an emphasis on that part of the Attorney-General's speech because it leaves open the possibility that under an extradition treaty—even though it is the intention that alleged war criminals be tried here—extradition is still possible. It is open to that possible interpretation.

Mr Lionel Bowen—There is no treaty.

Mr RUDDOCK—That may be the case and I welcome the assurance from the Attorney-General that there is no possibility of extradition because I think that would clarify the matter. If there is no possibility of a person being extradited that would be a welcome assurance. I notice that the Attorney-General is nodding and he may give confirmation of this matter later. With that assurance, I do not have the same concern about the way in which matters might be dealt with overseas or the taking of evidence overseas. I welcome the assurances that the Attorney-General has given in relation to the application of Australia's Evidence Act, Australian procedural standards and an Australian jury to assess the evidence. I regard those matters as important. They were the matters I was addressing when I spoke in this debate.

This brings me to the motion for which we seek the suspension of Standing Orders and the question of the agreement through an exchange of letters with the Attorney-General. I was not privy to the way in which this agreement was reached. Presumably, whatever information the Attorney-General gave to the shadow Attorney-General in confidence, he did not breach that confidence. I was not informed. So, all I ask for is, if it is not possible to bring into the open this exchange of correspondence at this time, when there is a concluded agreement, the opportunity to see what has been said, because I think we need to reassure people as much as possible about these procedures.

The final matter relates to the way in which this question of Mr Temby and Mr Greenwood appearing before the House of Representatives Standing Committee on Legal and Constitutional Affairs might be achieved. As we have established it under the Standing Orders, the only way that the Standing Committee on Legal and Constitutional Affairs can receive a reference is by a specific reference from the Attorney or from this Parliament. So, it seems to me that, if we are not to make a reference to the Standing Committee to examine this matter, we need to

have the Attorney's assurance that he will make a formal reference to the Committee of the matters that it can review when speaking with Mr Temby and Mr Greenwood.

Mr CLEELAND (McEwen) (4.21)—It was not my intention to speak on the War Crimes Amendment Bill. But, having looked at the motion moved by the honourable member for Flinders (Mr Reith), there are several matters in it which concern me. There is in paragraph 1 of the motion an apparent suggestion that the separation of powers in this country would be abrogated by this motion. As I read the wording of the motion, there is a suggestion that the Standing Committee on Legal and Constitutional Affairs could be seen to be a judge and jury and determined of what evidence should be applied or, alternatively, of whether the evidence which is available is sufficient to justify prosecution. I, for one, do not believe that that is a proper role for the Parliament. I believe it has been well settled in this country that the Parliament makes laws; it does not determine or arbitrate on whether evidentiary material may constitute a criminal offence in this country.

Mr Reith—The nature of it; this is a long bow if ever I heard one.

Mr CLEELAND—I listened to the interjection of the honourable gentleman about the nature of the evidence. As a lawyer, he used a most 'illegal' term because he may well get the chance to stand up here as a lawyer and say what he means by the expression 'nature'. I can read into the word 'nature' a whole variety of matters, some of which I am now discussing, because the motion does not delineate or define in any way, shape or form the nature of the matters he wants the Committee to examine. It could be interpreted as far or as broad as that he wants the Committee to determine whether or not, on a particular set of circumstances or evidentiary material available, a prosecution should occur. As I have indicated, I do not believe, properly speaking, that that is a matter that should be undertaken by the Parliament or a standing committee of the Parliament. It could even go so far as to breach the separation of powers long settled in this country. It could be seen at the very least as going towards a breach of that well settled principle, and I think it should be opposed.

Mr N. A. BROWN (Menzies) (4.24)—I commence my few brief remarks by saying, for my own part, how much I appreciate the readiness of the Attorney-General (Mr Lionel Bowen) to accept a number of proposals, or at least the

thrust of them. That contributes to getting to a sensible solution of this matter. But, to be quite specific, let me say that I am speaking in support of the motion moved by the honourable member for Flinders (Mr Reith) because I am in very grave doubt now about the nature of the arrangements that have been made with the Soviet Union.

This whole matter started off—I give the honourable member for Dundas (Mr Ruddock) credit for pursuing this—with an article in the *Canberra Times* of 30 September, which stated:

Australian and Soviet Union officials have agreed on a joint initiative to investigate and prosecute an estimated 200 suspected Nazi war criminals living in Australia.

It went on:

A spokesman for the Soviet Embassy in Canberra—apparently it still has spokesmen; it does not have spokespersons—

welcomed the co-operation pact and said that “whatever information is available in the Soviet Union on war criminals” would be given to Australian authorities.

So, we have reference there to an initiative between Australia and the Soviet Union on the procedure to be followed in conducting these trials and in dredging up the evidence. Then, by the fourth paragraph of the story, it had become a pact with the Soviet Union. With respect, I think we really are entitled to know a bit more about this pact which has been made with the Soviet Union and which, as I understand from the honourable member for Dundas, the Soviet Embassy here in Canberra maintains has been made. The Embassy says it has been made; we, Australia, apparently say that it has not been made. There seems to be a bit of confusion there, for a start.

The *Brisbane Courier-Mail* of 15 October contained a report of a long interview with Mr Greenwood, QC, who has been, on his roving mission, visiting a number of countries—the United States of America, Canada, Britain, West Germany, Israel and the Soviet Union. The article quotes him as saying:

Arrangements have been made with these countries for access to their archives and records.

Presumably, he does not mean that he got approval from the Soviet Union to have access to all of its archives and records. They would certainly make interesting reading, if he did. Presumably what he means is that he has had an agreement with the Soviet Union for access to its records relating to possible defendants in these war crime trials that may arise within Australia.

I simply put my concerns in the form of questions. First, is it true that an agreement of this sort has been made to regulate the procedure? Is it true that an arrangement of some sort has been made? Is this in writing?

Mr Ruddock—Yes, an exchange of letters.

Mr N. A. BROWN—If there has been an exchange of letters, as the Attorney-General told us, can we see those letters, in some way which does not cause any international embarrassment to either the Soviet Union or Australia? I will not have the letters incorporated in *Hansard* or anything of that sort, but I think, with respect, that we really are entitled to see the terms of this agreement, if an agreement has been reached with the Soviet Union, because this is an important matter. It relates to the way in which mini-trials in the Soviet Union will be conducted. It relates to how documents will be tendered in the Soviet Union in evidence in these proceedings. It relates to how documents will be proved if they are brought to Australia. It relates to any of those evidentiary matters or any matters related to the procedure for the conduct of these trials. I simply make a request for that information. In doing so, I support the motion moved by the honourable member for Flinders.

Mr LIONEL BOWEN (Kingsford-Smith—Attorney-General) (4.28)—I will be very brief. I appreciate the remarks that have been made, but let me reiterate the situation. Mr Greenwood, who is a senior silk in the legal profession of Australia, was commissioned as a special investigator to go around the world and look at the procedures, the evidence, et cetera, that other countries may have used. In the past there has been criticism of what happened in the United States of America because the United States appeared to accept evidence on commission. That evidence had been taken in the Soviet Union and there was some doubt about the validity and veracity of it. At attachment B of the *Menzies Review of Material Relating to the Entry of Suspected War Criminals into Australia*, there is a letter from the United States Department of Justice stating to the contrary about evidence. But what I am trying to say is that we are not, as an Australian first, taking evidence in the Soviet Union; we are taking evidence in Australia. But, before we know what we have to meet in terms—

Mr N. A. Brown—But your Bill allows you to do both.

Mr LIONEL BOWEN—It might in certain circumstances. If a person could not travel, we might have to talk about that in the normal

sense of taking evidence on commission. In having to undergo the test in Australia, which the Evidence Act provides for, it would be in accordance with the interests of justice whether that evidence would be admitted and subject to all the normal tests.

I make the point that the honourable member for Menzies (Mr N. A. Brown), with his usual skill and advocacy, has got us to the point where we have a pact with the Soviet Union. We have nothing like a pact with the Soviet Union. Mr Greenwood has been there and there is some suggestion that there are people there who would be able to make some allegations. Having looked at those people and discussed the matters, if he is satisfied that there might be something in it, they will be brought to Australia to undergo the test of giving evidence. If there are some records which substantiate in any way the particular incidents, of course, we would need those as additional evidence, and that would be subject to all the other tests in Australia as to veracity and so on. I accept the problems of translation and everything else, but Australian courts are not altogether deaf and dumb. They have the capacity to understand how to look at documents. The skilled legal profession in Australia, particularly from the point of view of defence, will not leave any stone unturned. It is a pity that we have this debate because of what somebody has read in the local Press.

Mr N. A. Brown—The *Canberra Times* and the *Courier-Mail*.

Mr LIONEL BOWEN—I can understand that. I said it was an exchange of letters. I do not want to embarrass the honourable member for Flinders (Mr Reith). I have shown him and Senator Chaney the letter. That is all it is and it merely says—

Mr Ruddock—In confidence.

Mr LIONEL BOWEN—Yes, I have to say that—in confidence. I am prepared to say this. I do not want the Standing Committee to be evaluating the evidence and working out whether it is sufficient to put people on trial. That is not its function. I do not want to make any formal reference but I give the undertaking that when Mr Greenwood is back, I will send him with Mr Temby to the Committee, and I hope at that stage he might show the honourable member the letter.

Mr Ruddock—Will you give the Committee a reference?

Mr LIONEL BOWEN—No reference. I do not think I want to go to that point. The mem-

bers of the Committee will make up their minds and if they are dissatisfied with the situation, they will be in here moving appropriate motions.

Mr Ruddock The Committee has no role without a reference.

Mr LIONEL BOWEN—I am giving the Committee a role at this stage, but there cannot be a reference to evaluate the evidence because it would go to the specifics of each individual case, and that is not the role of the Committee. The Committee will be there to evaluate the ability of Mr Greenwood and Mr Temby and their capacity to launch prosecutions, if there are any. I am doing that only because I said to the Opposition's distinguished representatives that that is the best I can do. I am not going to give the Committee a reference. I cannot give a reference and I would be grateful if the honourable member desisted from asking me to do it.

Mr N. A. Brown—I did not ask for it.

Mr LIONEL BOWEN—I appreciate that fact.

Mr N. A. Brown—I just asked whether there was an agreement.

Mr LIONEL BOWEN—There is an agreement as to who will bear the costs and that witnesses will be allowed to come out. That is basically it. I have no other details. I could not provide any names or anything else. It is purely an issue that, if we in Australia want the best evidence and that evidence is in the Soviet Union, the Soviet Union will allow that evidence to come out; but whether it can walk or whether it must be in writing is a matter of judgment. I assure honourable members that we will pay the cost of that. The Committee is entitled to have a look at it. I do not think the Committee can be so bereft of intelligence that it cannot even look at anything because it does not have a formal reference. It is an intelligent way for both sides of this Parliament—(Extension of time granted) Madam Deputy Speaker, I thank the House. Sometimes I get too involved in an issue, but it is a pleasant surprise to get an extension. This is a serious matter and we have tried to work out mechanisms so that the Opposition can be as equally informed as the Government. But I cannot have formal references. I cannot have a committee attempting to evaluate evidence. I cannot accept this motion—that is what I am saying—but I will do everything possible to ensure that the Opposition is satisfied that the principles of justice which apply to all Australians in these matters will apply to these people.

No other country has yet done this, although Canada is now prepared to follow our lead. The

British have not faced up to the issue in terms of making up their minds. The United States does it differently. We hope we do not have to deal with any of it, but if the evidence is there because we have been put in the position of having investigations made, names have been submitted and evidence is allegedly available, we will have to test it out. Then members of that Committee will have a chance to ask the people testing it what is the value of it in their terms. It is not sufficient for this Parliament to be referring to committees matters that have to be dealt with in the courts. It is not sufficient for this Parliament to have committees to judge whether a matter will go to trial, and that is the problem that we face in this issue.

I appreciate the co-operation of the honourable member for Flinders and I understand the basis of the concern of the honourable member for Menzies. I hope the honourable member for Dundas (Mr Ruddock) understands that I am not really against him, but I cannot give him what he is asking. With that in mind, I do not accept the motion.

Mr REITH (Flinders) (4.36)—in reply—We do not at this stage propose to give up our committee debate. However, we will not divide on the issue. We certainly take up his very constructive suggestion that Mr Greenwood and Mr Temby—

Madam DEPUTY SPEAKER (Mrs Darling)—Order! Having given the honourable member the call to speak, I now point out to the House that the time allotted for the entire debate has expired.

Mr Ruddock—On a point of order, Madam Deputy Speaker: surely if you are entitled to give indulgence to the honourable member for Flinders, indulgence can be given to speak past the time.

Madam DEPUTY SPEAKER—Order! To do that, I am informed, the House would have to suspend Standing Orders. We already have a motion to suspend Standing Orders before the Chair—that is the motion we are debating. So at this stage, according to Standing Orders, I must put the question that the motion be agreed to.

Question resolved in the negative.

In Committee

The Bill.

Mr REITH (Flinders) (4.38)—I foreshadowed a number of amendments which have been circulated in my name. I do not propose to go

over them in further detail as I adverted to them in my remarks.

The CHAIRMAN—It might help the Committee if it could deal with the amendments one by one. I understand that the honourable member has two amendments. Perhaps we can deal with amendment No. 1 first and agree with it or dispose of it, and then deal with amendment No. 2 and agree with it or dispose of it.

Mr REITH—I move:

(1) Clause 6, page 2, line 18, omit the definition of "occupation", substitute the following definition:

" ' occupation' means an occupation of territory arising out of a war, including the occupation of territory pursuant to the Nazi-Soviet Agreement of 23 August 1939;".

In view of the time constraints, can I just say that the Opposition's suggestion of a referral to a standing committee was never made with the intention of it being some sort of precommittal procedure. That was never on to the extent suggested by the honourable member for McEwen (Mr Cleeland). I suppose it is just an example of an honourable member who has not been following a debate, then coming in like an unguided missile. All this talk about the separation of powers is really a long way off the mark.

The CHAIRMAN—We might deal with the amendment rather than the honourable member for McEwen.

Mr REITH—I would be happy to do so, but I will finish my remarks in that regard. Inasmuch as what the honourable gentleman had to say was a reflection upon the Opposition, he might ponder upon the fact that what he said was also a reflection on the Attorney-General, who, of course, picked up the sentiment of what we said.

The CHAIRMAN—Order! We are dealing with the amendment. We are not going to rehearse a second reading debate.

Mr REITH—I have simply made the remarks that I wish to make, Mr Chairman. There has been a very good spirit in the conduct of these very difficult matters today.

In regard to 'occupation', the amendment has been foreshadowed. The Opposition finds it very difficult to accept the Attorney-General's counter-proposition, which is that between 1939 and 1945 war was on all around the place but there was this sort of pocket which was somehow completely untouched—a vacuum, a place completely unaffected by the ravages of the period 1939-45. The fact is that the nazis and the Soviets did a deal so that one could get on with the job in other theatres of war. We see the

Russian occupation of the Baltic states as very much part and parcel of German war policy. Whilst we accept the Attorney-General's propositions in respect of the time limit of this Bill—1939 to 1945—and whilst we accept his geographical definitions, we say that all of those factors lead to the rationale for the proposed amendment to the term 'occupation', and I commend it to the chamber.

Mr N. A. BROWN (Menzies) (4.42)—I support the amendment. It would change the definition of 'occupation', in the sense of occupation of territory arising out of a war, to form the foundation for a prosecution that might arise under this Bill. 'Occupation', as presently defined, means an occupation of territory arising out of a war, and 'war' is defined as a war which occurred between 1 September 1939 and 29 October 1945, in Europe, the Atlantic, northern Africa, the Middle East, Asia or the Pacific, including New Guinea and northern Australia. I have paraphrased fairly liberally what the present definitions say.

What we propose to do is to put in a different definition of 'occupation' so that it means an occupation of territory arising out of a war, including the occupation of territory pursuant to the nazi-Soviet agreement of 23 August 1939. That amendment is being moved so that we can have an even-handed approach to this whole matter. We have been told from various quarters that it is said that there are citizens or residents of Australia who came from Latvia, Lithuania or Estonia, and that as a result of their activities they may well be—I am sorry, but I saw the Attorney-General (Mr Lionel Bowen) rising; I thought he was about to say that he would agree to the amendment.

Mr Lionel Bowen—No.

Mr N. A. BROWN—We are told from certain quarters, as I said during the second reading debate, particularly by the Australian Broadcasting Corporation, that there are people from Latvia, Lithuania and Estonia who are in this country and who are guilty of war crimes because they were on the side of the nazis and they committed crimes against people who lived in their own country or people whom they came across in the course of the war. In other words, it is said that they are nazi war criminals.

What we say is that it is about time there was some even-handedness about this matter and that there was an earlier invasion of the Baltic states. There was an invasion of the Baltic states that occurred as a result of the nazi-Soviet agreement of 23 August 1939. Why is it that an action

which is alleged to have been done in support of the Germans and which was a crime is to be described as a war crime, when a similar action done in support of the Soviet authorities when they were occupying the Baltic states is not a war crime? We do not understand why one action is a war crime and the other is not.

Let me give an example of the sort of war crime that might well be said to be appropriate to be covered as a result of this amendment. I have been given a book, the name of which is *These names accuse*. This book is very unusual. It consists of very little except a very long list of thousands and thousands of names of Latvians who were deported from their country and many of whom were executed. That happened while the Soviet Union was in occupation of Latvia the first time round. In other words, it would come within this extended definition that we are proposing for this Bill. Let me read a very short extract from this work. It says:

Many Latvian citizens who have been condemned or had simply been missing, were afterwards exhumed from secret NKVD mass graves. The shooting of the victims was executed without a previous court sentence, on the ground of a simple order. Appendix 7 shows the last page of a list containing the names of 78 executed Latvians and, at the end, a remark written in Russian and signed by S. Shustin, Commissar of NKGB . . .

This was Commissar Shustin's notation:

Considering the social danger they represent, all must be shot.

S. Shustin.—June 26, 1941

That is the sort of thing that happened when the Soviet Union was in occupation of Latvia the first time round. It is proposed that, by this amendment changing the definition of 'occupation' and by the Government putting its full spirit of heart into it, we can have some even-handedness so that those sorts of crimes, likewise, would be covered. Who knows, whether one will ever get the defendant. Who knows, indeed, even under the Bill as it presently is, whether one will ever get the defendant, or whether one will ever get the defendant convicted. I understood the Attorney-General to be saying earlier that it is extremely doubtful whether there is now any evidence against any specific person who might be charged under this Bill when it becomes an Act. So, there is doubt in both cases, but it should be even-handed. For those reasons, the amendment should be supported.

Mr LIONEL BOWEN (Kingsford-Smith—Attorney-General) (4.48)—I appreciate, again, the way in which the honourable member for Menzies (Mr N. A. Brown) is able to use his

advocacy to suggest that because this was an area that was near a war zone, it ought to be deemed to be a war zone because subsequently the Soviet occupation, which did not meet any military resistance, took place and that ought to be deemed a military invasion. It was there by force majeure, as I told, by an agreement entered into; there was no war in that area.

Mr N. A. Brown—They did not want the Russians there.

Mr LIONEL BOWEN—Whilst they might not have wanted the Russians, there was no resistance. So we have the problem of saying that we are not in the business of trying to define 'war' as anything other than the war as recognised in every other war trial that has taken place, and not including this occupation period. I am not able now to say that because the honourable member for Menzies thinks it is a good idea—I can understand his reasoning—for the first time, we are going to deal with this matter as well, when again it comes in practical terms to the suggestion that apparently, I would think, either some Soviet person or collaborator is in Australia. We do not know of any. I assume that if there is someone here who wants to raise the issue in some other way, other than on this Bill, we will not stop that person doing that. But it certainly would not come under the definition of 'war crime' anywhere in the world.

Whilst I can understand the concern about the occupation of the Baltic states and the objection to it, there was no war; there was no resistance. It was an invasion by agreement, if you like. In other words, the Germans and the Soviet Union agreed that that particular area would be taken over by the Soviet Union. But we cannot go to the definition of 'war' which is laid down here as being in a particular period and in respect of an area which every other tribunal in the world has recognised as being able to be identified as a war zone.

I can understand the concern. I make the point that, if at any stage it is suggested that somebody ought to be dealt with, I have no doubt that that matter could be investigated; but it certainly does not fit the issue we are about here, which is war crimes. When dealing with war crimes we are not dealing with just one isolated incident; we are dealing, as Menzies said, with people who were in slave camps and labour camps where there was a massive number of murders, not just an isolated incident. Massive injustice was done to people. In other words, it became a crime of magnitude.

We enjoy the luxury of having had a long period of peace since the last war ended, but there had been so much bloodshed and so many millions of people had been killed that in the days following the war people were anxious to try to get away from dealing with such matters again. It brought back memories in those days.

Whilst war trials are still occurring in Germany, they are not being conducted in many other countries. It has been suggested in debate today that we should investigate the Pol Pot regime under which three million people were exterminated. It is good to talk about this matter and to hope that it is never repeated. People have been dealt with for committing crimes during the Second World War and it has been alleged that some people have not been brought to justice and that they are in Australia and therefore people ask: Why should we exempt them from being brought to justice? I am saying that we will not exempt anybody in that position and we are having that matter tested.

Should we open up the whole matter on the basis of a radio broadcast or because somebody has made allegations and should we search around the world? If we have even a handful of trials our courts will be overworked. Public opinion will be divided on the issue; juries will have the horrendous task of assessing problems that they do not really want to face up to themselves. If that is the way it has to be, that will have to be done, because Australia will not be put in the position of people here being allowed to escape the penalty of justice.

I can understand the rationale of an opposition trying to score points on the way the Bill is drafted. There are people who want some action to be taken against somebody who, in the Second World War, they felt did them an injustice, and I can understand that. It was a horrific war. The Sudetenland was occupied, and no honourable member has mentioned that occupation and many other things that happened in the Second World War. Millions were exterminated and with the coming of peace it was necessary to get people back to talking about how they might be able to have a more reasonable, intelligent existence.

Once war takes place, the human mind tends to become depraved. People are taught to kill and that is the problem and the injustice of war. There are no rules, except that we have some conventions and, in certain circumstances, one can legitimately kill. Where people had no right to kill and where injustice was done, people can be brought to trial.

The Bill specifically identifies the period of war and it specifically sets out the nature of the war crimes. We cannot deal with all of the individual cases or with occupation in the period the honourable member wants the Government to accept.

Question put:

That the amendment (Mr Reith's) be agreed to.

The Committee divided.

(The Chairman—Mr Leo McLeay)

Ayes	48
Noes	66
Majority	18

AYES

Adermann, A. E.
Aldred, K. J.
Andrew, J. N. (Teller)
Beale, J. H.
Blunt, C. W.
Braithwaite, R. A.
Brown, N. A.
Burr, M. A.
Cameron, Donald
Cameron, Ewen
Cameron, Ian
Carlton, J. J.
Cobb, M. R.
Connolly, D. M.
Cowan, D. B.
Dobie, J. D. M.
Downer, A. J. G.
Edwards, Harry
Fife, W. C.
Fisher, Peter
Halverson, R. G.
Hawker, D. P. M.
Hicks, N. J. (Teller)
Jull, D. F.

Katter, R. C.
Lloyd, B.
McArthur, F. S.
McGauran, P. J.
McVeigh, D. T.
Macphree, I. M.
Miles, C. G.
Millar, P. C.
Nehl, G. B.
Peacock, A. S.
Prosser, G. D.
Reith, P. K.
Rocher, A. C.
Ruddock, P. M.
Shack, P. D.
Sharp, J. R.
Shipton, R. F.
Sinclair, I. McC.
Smith, W. L.
Sullivan, K. J.
White, P. N. D.
Wilson, I. B. C.
Woods, R. L.
Wooldridge, M. R. L.

NOES

Baldwin, P. J.
Beddall, D. P.
Binley, G. N.
Blanchard, C. A.
Blewett, N.
Bowen, Lionel
Brown, John
Brown, Robert
Brumby, J. M.
Campbell, G.
Charles, D. E.
Chynoweth, R. L.
Clelland, P. R.
Courtice, B. W.
Crawford, M. C.
Cross, M. D.
Cunningham, B. T. (Teller)
Darling, E. E.
Dawkins, J. S.
Dubois, J. S.
Duncan, P.
Edwards, Ronald
Fatin, W. F.
Fitzgibbon, E. J.
Free, R. V.
Gayler, J.
Gear, G.
Grace, E. I.
Griffiths, A. G.
Harvey, E. R.
Holding, A. C.
Hollis, C.

Humphreys, B. C.
Jakobsen, C. A.
Jenkins, H. A.
Johns, G. T.
Jones, Barry
Kelly, R. J.
Kerin, J. C.
Kerr, D. J. C.
Klugman, R. E.
Lamb, A. H. (Teller)
Langmore, J. V.
Lavarch, M. H.
Lee, M. J.
Lindsay, E. J.
McHugh, J.
Martin, S. P.
Milton, P.
Morris, Allan
Mountford, J. G.
O'Keefe, N. P.
Price, L. R. S.
Punch, G. F.
Saunderson, J.
Scott, J. L.
Simmons, D. W.
Snow, J. H.
Snowdon, W. E.
Staples, P. R.
Tickner, R. E.
Uren, T.
West, S. J.
Wright, K. W.

Howe, B. L.

NOES

Young, M. J.

PAIRS

Mackellar, M. J. R.
Webster, A. P.
Fischer, Tim

Hayden, W. G.
Willis, R.
Duffy, M. J.

Question so resolved in the negative.

Mr REITH (Flinders) (5.00)—I move:

(2) Clause 6, page 7, at the end of the clause add the following new Part (comprising proposed sections 18 and 19)—

"PART IV—MISCELLANEOUS

Surrender of person

"18. (1) Notwithstanding any law or treaty obligation to the contrary, the Attorney-General shall not consent to the surrender of a person in relation to a war crime if:

- the request for extradition is received from the Soviet Union or an East European country; or
- in any other case, the Magistrate, required to determine whether that person is eligible for surrender, is not satisfied that a prima facie case has been established that the person had committed the alleged offence.

"(2) 'Magistrate' in this section has the same meaning as in section 4 of the *Extradition (Foreign States) Act 1966*.

Annual report

"19. (1) The Attorney-General shall, as soon as practicable after 30 June in each year, cause a report concerning the operation of this Act during the year that ended on that 30 June to be prepared and laid before each House of the Parliament.

"(2) A report pursuant to subsection (1) shall include:

- the number of cases under investigation;
- the number of prosecutions that have been initiated;
- the adequacy or otherwise of resources allocated to undertake investigations and to conduct prosecutions; and
- a timetable for finalising investigations and prosecutions under the Act."

Amendment No. 2 is in two parts. Mr Chairman, I seek your guidance. As I understand it, we have an agreement with the Attorney-General in regard to the second part, the annual report part, of the amendment.

The CHAIRMAN—The Committee can deal with the amendment only as it is. My understanding is that as it has been circulated it has to be dealt with as it is. What does the honourable member want to do with this amendment?

Mr REITH—My expectation is that there will be a dispute in regard to that part of amendment No. 2 which begins with the words 'Clause 6, page 7', and which ends with the words

'Extradition (Foreign States) Act 1966'. We have an understanding from the Attorney-General that he will accept the annual report part of the amendment. We seek a mechanism to ensure that once again the will of the Committee can be expressed in its final resolution. The fact that we came to a concluded view across the table and then the procedures of the House prevented us from actually consummating that agreement is one of the interesting things that happened today.

The CHAIRMAN—As I understand it, the honourable member needs to move the amendment as a whole as he has done. The amendment would then be negated. The Attorney-General could then propose a further amendment which relates to the annual report section on which I think there is agreement and that could be passed. We cannot split in half an amendment that is before the Chair.

Mr LIONEL BOWEN (Kingsford-Smith—Attorney-General) (5.02)—I am prepared to say something that might help in terms of the annual report. I understand that if we split the amendment now we will not get it to the Senate in time for the legislative cut-off. The best thing to do is to get the annual report part of the amendment moved as an amendment in the Senate. As I understand it, under 'Part IV—Miscellaneous', we would then have a new section 18. I think that is the best we can do in this case. We will not be agreeing to the new section at this stage. It has dropped back to a proposed new section 18. That is the best I can do to help.

Mr REITH (Flinders) (5.03)—The Opposition accepts the Attorney-General's assurance that a member of the Government in the Senate will move as an amendment the annual report part of this amendment. He says that it will be referred to as proposed new section 18. I presume he also takes the view that—

Mr Lionel Bowen—It will be negated.

Mr REITH—I appreciate that. I appreciate also that he is saying that the proposal to be moved in the Senate will be in accordance with the terms of this amendment as circulated. I thank the Attorney-General for his assistance in regard to the annual report matter.

Perhaps I can now make some remarks about the earlier part of the amendment. In a sense this is a difficult matter because this Bill creates jurisdiction. It is not a Bill about extradition. It is a bit like the evidence matter. It is not a Bill about evidence, but both extradition and evidence issues are in fact highlighted by our con-

sideration of this Bill. The Opposition has given a lot of consideration to it. I understand what the Attorney-General has had to say about extradition and I do not in any way diminish the sincerity with which he has made some comments about it. I do not in any way deny that at all.

However, the Opposition came to the view that this Parliament ought to express a view, and we ought to so legislate, to put absolutely beyond doubt any prospect of an Australian Attorney-General ever consenting to the surrender of a person in relation to a war crime where that request for extradition is received from the Soviet Union or an East European country. I appreciate that it is a novel provision in respect of our extradition laws, but the fact is that these are novel issues for this Parliament and they are novel issues for Australian law in many respects. Thousands of upright Australian citizens hold genuine concerns about this matter. We feel an obligation to move this amendment in the form in which it is proposed. Proposed new section 18 (1) (b) is of a slightly different nature. Time will not permit me to canvass all of the issues. In 1985, as a result of alleged difficulties with the evidence produced out of civil law countries, the Government introduced an amendment to our extradition laws which removed the requirement that a *prima facie* case be established prior to a person being surrendered to a requesting state. I expect that we will debate the matter of extradition in due course.

The Opposition has reviewed its position in regard to the *prima facie* law. The *prima facie* rule has been part of the common law traditions for something like 140 years. We think the Parliament ought to reconsider the manner in which we have approached the whole issue. I appreciate its complexities. It is a matter we ought to look at further, certainly at the very least in regard to serious war crime offences. It is our view that in surrendering a person, even to a state about which we have confidence in its system of justice as contemplated by proposed section 18 (1) (b), we ought to be satisfied that there is at least a case to answer. The *prima facie* rule is not a pretext for a re-trial or a trial of the matters at first instance followed by another trial. It is simply a screening test to make sure that the request for extradition is properly based. It reflects the system of justice in Australia. If someone commits an indictable offence in Australia, he will first go through the committal proceedings.

The CHAIRMAN—Order! I do not want to limit the honourable member too much, but I do not want us to have a long debate on the *prima facie* rule, even though it is mentioned in the amendment. Whilst it is germane to the amendment, I do not think we need an exposition on what the *prima facie* rule is.

Mr REITH—Mr Chairman, you may not require an exposition of the *prima facie* rule, but the *prima facie* rule has been an essential part of our common law traditions for a long time. I must say I find a chairman of committees in the Australian Parliament saying that a member should not canvass the importance of the *prima facie* rule, when it is the subject of an amendment before the Chair, a very difficult proposition.

The CHAIRMAN—That is like saying that if the Australian Constitution were mentioned in an amendment we would then have a lengthy exposition on the Constitution or the rules of architecture or something. We have had a lengthy debate, which has got a little bit out of order on this whole matter, and I want to draw it to some finality, so the honourable member should stick a bit closer to the amendments.

Mr REITH—Mr Chairman, I am sticking to proposed new section 18 (1) (b), which talks about ensuring the maintenance of the *prima facie* rule. Quite frankly, if there were a Bill before the House with an amendment to the Constitution, I would feel well within my rights to canvass each and every issue in the Constitution, as I feel well within my rights in fact to canvass the importance of the *prima facie* rule. I must say that I find it an amazing proposition that, on an amendment which requires an Australian court to meet the *prima facie* rule, you should attempt to direct me not to discuss that rule. There would be no point in the amendment if in fact we were to adopt your course of action. My time is about to run out.

The CHAIRMAN—That is a pointless proposition which you are putting to me, as you well know.

Mr REITH—Well, Mr Chairman, in the end it is a matter of opinion, as many of these things are. It is an opinion which we, in the Opposition, strongly hold. I commend the amendment to the Committee.

Mr N. A. BROWN (Menzies) (5.10)—I wish to speak briefly in support of this amendment because of my concern—I suppose that is the correct word—at reading a paragraph on page 4 of the printed copy of the second reading speech

of the Attorney-General (Mr Lionel Bowen). I think the Minister has already re-read it, or someone has read it, in the course of the debate. It states:

No person will be deported to any country on the basis of a simple allegation that the person has committed a war crime.

So far so good, but it goes on to state:

Australia must, of course, honour its obligation under extradition treaties, but the intention is that Australian citizens and residents accused of war crimes be dealt with in this country and this course is open under the treaties.

My only concern about it is this: as I read that paragraph, and I have read it many times, it does seem to me to tilt in favour of the conclusion that there may well be situations where we will endeavour to extradite people to other countries for alleged war crimes. I know it does not say that in those simple words. The Attorney-General has not said that in his second reading speech, and I am not accusing him of that at all. What I am saying is that he has put in the speech on the one hand that the intention is that the trials will take place in Australia. I understand that that is what he is saying, and that is his basic position. But on the other hand, in his second reading speech on this Bill, he is putting the proposition that, of course, we still have extradition treaty obligations. The Opposition thinks, for that reason, although we have the highest opinion of the current Attorney-General, that it should be written into the law that the Attorney-General will not consent to the extradition of a person accused of a war crime if that person is going to end up in the Soviet Union or in an eastern European country. We think that is important enough to have written into the legislation. A person would have no hope at all of getting anything remotely like a fair trial in the Soviet Union, especially on a charge of this sort, nor would he, in any of the eastern European countries, have any hope of getting a fair trial on such charges.

I think I mentioned earlier a book that has been published about the experience in Lithuania, where evidence has been taken on commission to be used in the American courts. The way in which those proceedings were conducted was an absolute disgrace. The person presiding over the court intimidated witnesses and counsel and did not conduct the proceedings in anything like the way in which we would expect judicial proceedings to be conducted. If that is the way that country conducts those sorts of hearings, simply by taking evidence on commission, I can imagine what it would be like when it really had the

victim in the gun, when the whole state apparatus was directed towards getting that person convicted. He would have no hope of getting a fair trial.

For that reason, we think that with respect to only those countries, the Soviet Union and the eastern European countries, the Attorney-General should not surrender a person charged with a war crime, because there would be no hope whatsoever of justice being done, and we would be sending that person to his death. The Opposition does not want to be associated with that in any way.

I conclude by saying briefly that I know—because the Attorney-General has put it clearly, that the intention is that the trials will take place in Australia, and that the intention is not to have a mass extradition process going on. I know also that this Attorney-General would not countenance the extradition to the Soviet Union of someone charged with one of these offences. I know he would not do that. But I have got concerns arising from the fact, as I said, that the second reading speech says that although the trials will be held in Australia, we have got treaty obligations. The Opposition thinks that if we look to the future, and contemplate who might be the Attorney-General in this country, frankly, we will see that justice is more likely to be done, and we would be on much safer and stronger ground, if we had this written into the legislation. I do not think any harm would be done by the Attorney-General accepting this. I think he has made a number of very good concessions, and he should complete a good day's work by agreeing to this amendment. It would be a very sensible contribution towards ensuring, so far as we can, that justice is done in these cases.

I want to take just 30 seconds to say that as a result of the way the Bill has been expressed, and because I felt I should say some things, I have been obliged to say a few things today that might have led people to the conclusion that I was not enthusiastic about pursuing the criminals covered by this Bill. I am. If there are individuals who have committed these crimes, they should be prosecuted. Everything that I have said today I hope is directed towards getting a fairer result and a just result.

Mr LIONEL BOWEN (Kingsford-Smith—Attorney-General) (5.18)—The Government cannot accept the amendment, for these reasons: Firstly, it is the Opposition's interpretation of the Bill that creates the issue. It is now saying: 'What if the Soviet Union requested extradi-

tion?'. Of course we have no treaty with the Soviet Union. Whilst it could always request extradition, as it did in the time of Sir Garfield Barwick and others, it is clear that we would not agree. But we will never stop any state asking for extradition. The honourable member for Menzies (Mr N. A. Brown) is not going to get me to say that there might be some doubt about this. Here we are, setting up a proposition to have these people, if there are such people, dealt with in Australia. If they are guilty, those people will be sentenced in Australia. They are Australian citizens. It is axiomatic that we do not extradite our own citizens.

Basically, that is the position on extradition. If the honourable member keeps suggesting that there will be a worry about extradition, I think that will create problems. The law we are discussing involves the fairness of a trial in Australia. It has nothing to do with extradition. There can always be a request for extradition which is in no way related to the trial. We are dealing with issues which the Opposition perhaps would say are the subject of extradition. Pursuant to this law, for the first time in Australia and for the first time in the world, a person will be dealt with, and if found guilty, will be eligible for, punishment in a country other than the country in which the crime was committed. That is the point.

Mr Reith—But you could extradite after a trial.

Mr LIONEL BOWEN—It would be unbelievable to think of having a trial and then extraditing a person. On what basis would we do so—that somebody else might mete out the punishment? That has never happened as far as Australia is concerned. The whole purpose of this legislation is to prevent extradition. I have made the position very clear. We will not extradite our own citizens to the Soviet Union—

Mr N. A. Brown—But what about the residents?

Mr LIONEL BOWEN—The same applies to the residents. We have no extradition treaty with the Soviet Union. Extradition treaties have existed for a long time, say, with Germany. There might well be a request from Germany for extradition, which would be pursuant to the treaty and not to this law. I suppose the Germans would be concerned if the Opposition now said that it does not think persons ought to go back to Germany either.

Mr Reith—I did not say that. In my second reading stage speech I supported you.

Mr LIONEL BOWEN—I am talking about what the honourable member for Menzies has just said. He said that he did not favour people—

The CHAIRMAN—Order! We will not have debate across the chamber.

Mr LIONEL BOWEN—I just want to finish what is called a good day's work, which is very difficult when one is trying to meet Opposition amendments that do not really relate to the practical situation. When I raised the issue of extradition for war crimes, which the honourable gentleman was worried about—that is what he said—

Mr N. A. Brown—I did not say that. For the Soviet Union and eastern European countries; that is what I said.

Mr LIONEL BOWEN—If the honourable member leaves it at that—

The CHAIRMAN—Order! The Attorney and the honourable member for Menzies have 10 minutes each. They are not to debate with each other. The Attorney might disregard the interjections.

Mr LIONEL BOWEN—I will disregard the interjections, but I want to advert to what the honourable member said as not being acceptable. If the honourable member limits it to the Soviet Union and the Eastern bloc countries, that is perfectly all right. But if he suggests that democratic countries cannot make application for extradition, I cannot accept it.

Mr N. A. Brown—I did not say that at all.

Mr LIONEL BOWEN—Check the *Hansard*. Proposed new sub-section 18 (1) (b) talks about whether a prima facie case has been established. This matter will interest you, Mr Chairman. We have gone to a lot of trouble to get extradition treaties with European countries on the basis that they do not accept the British system of the prima facie case. In fact, the British system of the prima facie case has prevented many extradition treaties. On the basis of modern concepts, we have been able to get treaties with the European states. Proposed new sub-section 18 (1) (b) states that 'in any other case'—that is, no matter where it is—a prima facie case has to be established before extradition. I cannot accept that. We have just signed extradition treaties with a number of countries on the basis that there is not a prima facie case. We cannot accept this alteration to our law slipped into this Bill. On that point I disagree with proposed new sub-section 18 (1).

In respect of the annual report, which relates to proposed new sub-section 19 (1), we have agreed that there is some merit in the suggestion. It can be introduced into the Senate as proposed new section 18. I will undertake to have it done. The drafting of the section proposed by the Opposition would not necessarily be accepted by the draftsman. The clause will be based on the same principle but the drafting might need to be tidied up.

Mr N. A. BROWN (Menzies) (5.29)—I want to correct the record in case I made a mistake. What I intended to say—I thought I had made it clear—is that I was concerned about the possible extradition of people to the Soviet Union or eastern European countries. I certainly did not intend to say anything with respect to any of the Western democracies which, after all, have very similar judicial systems to our own. If I made that mistake at any stage, I would like the record to be corrected.

Question put:

That the amendment (Mr Reith's) be agreed to.

The Committee divided.

(The Chairman—Mr Leo McLeay)

Ayes	48
Noes	67
Majority	19

AYES

Adermann, A. E.
Aldred, K. J.
Andrew, J. N. (Teller)
Beale, J. H.
Blunt, C. W.
Braithwaite, R. A.
Brown, N. A.
Burr, M. A.
Cameron, Donald
Cameron, Ewen
Cameron, Ian
Carlton, J. J.
Cobb, M. R.
Connolly, D. M.
Cowan, D. B.
Dobie, J. D. M.
Downer, A. J. G.
Edwards, Harry
Fife, W. C.
Fisher, Peter
Halverson, R. G.
Hawker, D. P. M.
Hicks, N. J. (Teller)
Jull, D. F.

Katter, R. C.
Lloyd, B.
McArthur, F. S.
McGauran, P. J.
McVeigh, D. T.
Macphie, I. M.
Miles, C. G.
Millar, P. C.
Nehl, G. B.
Peacock, A. S.
Prosser, G. D.
Reith, P. K.
Rocher, A. C.
Ruddock, P. M.
Shack, P. D.
Sharp, J. R.
Shipton, R. F.
Sinclair, I. McC.
Smith, W. L.
Sullivan, K. J.
White, P. N. D.
Wilson, I. B. C.
Woods, R. L.
Wooldridge, M. R. L.

NOES

Baldwin, P. J.
Beddall, D. P.
Binley, G. N.
Blanchard, C. A.
Blewett, N.
Bowen, Lionel
Brown, John
Brown, Robert
Brumby, J. M.
Campbell, G.

Jenkins, H. A.
Johns, G. T.
Jones, Barry
Kelly, R. J.
Kent, L.
Kerin, J. C.
Kerr, D. J. C.
Klugman, R. E.
Lamb, A. H. (Teller)
Langmore, J. V.

NOES

Charles, D. E.
Chynoweth, R. L.
Cleeland, P. R.
Courtice, B. W.
Crawford, M. C.
Cross, M. D.
Cunningham, B. T. (Teller)
Darling, E. E.
Dawkins, J. S.
Dubois, S. C.
Duncan, P.
Edwards, Ronald
Fatin, W. F.
Fitzgibbon, E. J.
Free, R. V.
Gayler, J.
Gear, G.
Grace, E. L.
Griffiths, A. G.
Harvey, E. R.
Holding, A. C.
Hollis, C.
Humphreys, B. C.
Jakobsen, C. A.

Lavarch, M. H.
Lee, M. J.
Lindsay, E. J.
McHugh, J.
Martin, S. P.
Milton, P.
Morris, Allan
Mountford, J. G.
O'Keefe, N. P.
Price, L. R. S.
Punch, G. F.
Saunderson, J.
Scott, J. L.
Simmons, D. W.
Snow, J. H.
Snowdon, W. E.
Staples, P. R.
Theophanous, A. C.
Tickner, R. E.
Uren, T.
West, S. J.
Wright, K. W.
Young, M. J.

PAIRS

MacKellar, M. J. R.
Webster, A. P.
Fischer, Tim

Hayden, W. G.
Willis, R.
Duffy, M. J.

Question so resolved in the negative.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by **Mr Lionel Bowen**)—by leave—read a third time.

RELOCATION OF COMMENCEMENT
COLUMN MONUMENT

Mr JOHN BROWN (Parramatta—Minister for the Arts, Sport, the Environment, Tourism and Territories) (5.35)—I move:

That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposals contained in the report of the Joint Standing Committee on the New Parliament House presented to the House on 3 November 1987, namely: The relocation of the commencement column monument on the land axis between the old and the new Parliament House.

On 12 March 1913 the commencement column monument to commemorate the founding and naming of Canberra as the national capital was laid on Capital Hill. Three foundation stones were laid by Lord Denman, the Governor-General of Australia, Mr Andrew Fisher, Prime Minister, and Mr King O'Malley, the Minister of Home Affairs. After the foundation stones were laid, Lady Denman officially named the city 'Canberra'. In 1981 the monument was removed from Capital Hill and stored prior to the commencement of excavation work for the new Parliament House.

The new site for the monument was determined after consultation between the Parliament House Construction Authority, the Canberra National Memorials Committee, the Australian Capital Territory Heritage Committee and the National Capital Development Commission. The new site is on the land axis between the old and new Parliament Houses at a point on the land-bridge just south of the inner edge of Capital Circle and north of the parade ground. On 18 September 1987, as Minister responsible for administering the National Capital Development Commission Act 1957, I referred the proposal to the Joint Standing Committee on the New Parliament House for inquiry and report.

The Committee has agreed with the proposal and recommends that it be approved pursuant to the Parliament Act 1974. The National Capital Development Commission, on behalf of the Parliament House Construction Authority, will arrange for the erection of the monument. Plans are being developed to hold a suitable ceremony for the relocation of the monument. It is anticipated that this will take place on Canberra Day, 12 March 1988. This date is the seventy-fifth anniversary of the original ceremony. I commend the motion to the House.

Question resolved in the affirmative.

WHEAT TAX REGULATIONS
(VALIDATION) BILL 1987

Bill presented by **Mr Kerin**, and read a first time.

Second Reading

Mr KERIN (Werriwa—Minister for Primary Industries and Energy) (5.37)—I move:

That the Bill be now read a second time.

The purpose of this Bill is to validate regulations which were made recently under the Wheat Tax Act 1957. These regulations have been called into question because of a technicality related to the citing of the name of the industry organisation responsible for making a report to the Government prior to regulations being made. The purpose of the regulations is to increase the rate of the tax which is used to fund wheat research.

As it now stands, the Act refers to the industry body as the Australian Wheatgrowers Federation, whereas a resolution was passed at the October 1986 meeting of that Federation that its name be changed to the Grains Council of Australia. Because the regulations to increase the rate of tax from 40c per tonne to 45c per tonne, which were made in September this year, were made on the basis of a report and request from

the Grains Council of Australia, the Senate Standing Committee on Regulations and Ordinances has suggested that validating legislation is necessary as a matter of urgency to avoid the possibility of disallowance of the regulations. Provision was made in the Statute Law (Miscellaneous Provisions) Bill which was introduced in the autumn sittings this year to incorporate the change of name in the Wheat Tax Act 1957. That Bill lapsed with the calling of the July election, but the same provision was subsequently included in the statute law Bill which has been before Parliament this sittings. However that amendment would not apply retrospectively to regulations already made.

The industry's request, through the Grains Council's report, to increase the rate of tax for the 1987-88 wheat season was in accord with the Government's objective of encouraging rural industries to increase their contribution for research to 0.5 per cent of the industry's gross value of product by 1990. The Commonwealth's matching contribution is considered each year in the Budget context and the 1987-88 estimate took account of the increase in the rate of tax proposed for that reason. The proposed amendment has no additional financial implications for the Commonwealth. I commend the Bill to honourable members and I present the explanatory memorandum to this Bill.

Debate (on motion by Mr Lloyd) adjourned.

COMMONWEALTH BORROWING LEVY BILL 1987

Consideration resumed from 3 November.

In Committee

Consideration of Senate's requested amendment.

Senate's requested amendment—

Page 2, clause 6, lines 11 and 12, leave out "the prescribed rate, being a rate not exceeding 0.5%", insert "such annual rate as is prescribed, being an annual rate not exceeding 0.5%".

Mr HUMPHREYS (Griffith—Minister for Veterans' Affairs) (5.41)—The Commonwealth Borrowing Levy Bill 1987 has been returned to the House of Representatives after the Government moved an amendment in the Senate to make a technical correction to the Bill. The purpose of the amendment is to put beyond doubt the Government's intention, expressed in the second reading speech and in explanatory memorandum to the Bill, that the levy is to be imposed on an annual basis and is not a once only charge on each borrowing. I commend the

Commonwealth Borrowing Levy Bill, as amended, to the House. I move:

That the requested amendment be made.

Mr PEACOCK (Kooyong) (5.42)—I simply make the point that the Opposition is not opposing the Commonwealth Borrowing Levy Bill 1987 as it comes to us amended from the Senate but I express the view, which has been consistent with views that I have put on measures such as this, that it again indicates the Government's slipshod manner in handling the whole issue of a levy on Commonwealth authority borrowings. I cannot really allow the matter to be put to the chamber without indicating that, on issues such as this, it really is about time that the Government thought through the consequences of its actions and ensured that its Bills were drafted effectively.

Question resolved in the affirmative.

Resolution reported; report adopted.

INTERNATIONAL DEVELOPMENT ASSOCIATION BILL 1987

[COGNATE BILLS:

ASIAN DEVELOPMENT FUND BILL 1987

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT BILL 1987]

Second Reading

Debate resumed from 25 November, on motion by Mr Duffy:

That the Bill be now read a second time.

Mrs DARLING (Lilley) (5.43)—The purpose of the International Fund for Agricultural Development Bill 1987 is to authorise contribution toward the second replenishment of the International Fund for Agricultural Development (IFAD). The main function of IFAD is to increase food production for the poorer sections of the world's poorest countries. Australia intends to pledge \$8,480,000 to help cover lending operations over the period 1985-87. That amounts to 2.15 per cent of Organisation for Economic Co-operation and Development member countries' contributions of \$US460m to the total replenishment.

Australia has been a member of the Asian Development Fund (ADF) since its establishment in 1974 and has participated in the previous three replenishments. The ADF is the concessional lending arm of the Asian Development Bank directing its resources to the poorest countries in the Asia-Pacific region. Australia wishes to contribute \$410m to the fourth replenishment.

ishment of the ADF to cover the period 1987-1990.

On speaking to the three Bills before the House—the International Development Association Bill, the Asian Development Fund Bill and the International Fund for Agricultural Development Bill—I would like to touch on the underlying need for the intervention of developed nations through such funds and on the factors which combine to create that need. A 1986 World Bank study estimated that there were about 730 million chronically malnourished people in the world. This figure does not include those living in China or people who suffer from intermittent hunger. In Asia the figure is 200 million people suffering chronic malnutrition, while in parts of Latin America, the near East and North Africa, the degree of food self-sufficiency has sharply declined. Although the world food situation did improve marginally at the end of 1986, the situation is still urgent and is a blot on the records of developed nations. Given that food production and distribution demonstrate the worst facets of poverty—when one is down to the basics of gnawing hunger, of life and death—it is important for us to consider seriously these figures in the context of broader issues of development and distribution of the world's goodies and also in the context of expenditure on arms, particularly nuclear arms.

The enormous need of developing nations is well documented and the trauma and human suffering permeates the statistics of famine and starvation. But it must be made clear that the situation faced by developing nations cannot be conveniently put down to a lack of management on the part of the countries involved. Initial damage by historical factors such as exploitation during colonial times, and the resultant destruction of existing social and economic infrastructure, has been exacerbated by problems such as severe drought, population growth and the desire of developing nations to dominate.

Newly independent nations have been handed an impossible situation. I take the example of Mozambique. In June 1975 Frelimo won independence after centuries of Portuguese colonial rule and set up a national Mozambican government. But the newly independent nation retained only 15,000 of the 250,000 expatriates who had been living in Mozambique. All the expertise of those who had gone was lost to the new nation, leaving a population that was 93 per cent illiterate. Only 30 per cent of the population had access to any medical care and the heritage of centuries of Portuguese rule was three Mozam-

bican doctors in the entire country. This is what the new nation faced. Even today there are only three Mozambican pharmacists. From this shaky start, Mozambique was dealt a series of natural disasters—cyclone, flood and drought—and final disruption of any potential social and economic recovery has been provided by the MNR-Romano Resistance War which some believe to have been masterminded originally by the head of the Central Intelligence Organisation of the Smith regime in Southern Rhodesia.

This pattern is not unique. Added to this is the problem of burgeoning external debt in developing countries. How can developing nations win? In this context every possible initiative by developed nations should continue and be expanded at the quickest possible rate. But this must be done efficiently as well as compassionately. The developed nations have technology at their fingertips in setting up projects to assist the Third World. It is up to us to ensure that these projects are notable more for the food they put into people's mouths than for the money they put in the pockets of providers of agricultural products—pesticides, fertilisers, seeds, tractors, harvesters and processing equipment—in order to maintain the projects.

The Australian Government enjoys a high reputation for the quality of its input in the international debate on how best to provide effective technical and other assistance to developing nations. The Minister for Foreign Affairs and Trade (Mr Hayden) has certainly made known to the United Nations his concern that a greater role in co-ordinating the international community be undertaken. Australia has welcomed the United Nation's positive response to the crisis in Ethiopia in this context. Governments of developed nations should certainly ensure that aid given alleviates, rather than exacerbates, the overall problem. Of course, recipient nations have their responsibilities but I will not take the time to outline these today. It is enough to say that developed nations must ensure that their aid administrative structure is in order.

In the context of the Bills before the House, Australia has expressed some concerns over some recent trends at the Asian Development Bank. Our Foreign Minister has already outlined concerns based on the doubtful value of some project proposals and sloppy quality control, apparently in order to maintain its level of funding. The Government has a strong and continuing support for the Bank but feels it is right that

these concerns voiced by Australia and others should be frankly and openly acknowledged.

The International Development Association—the concessional lending arm of the World Bank—directs its resources to the world's poorest countries. Australia is proud to have been a member of the Association since its establishment in 1960. The Australian contribution of \$335m to the eighth replenishment represents a maintenance of Australia's share of the previous seventh replenishment.

In speaking to the Bill, which enables the financial contribution by Australia towards the second replenishment of the International Fund for Agricultural Development, the Minister for Trade Negotiations (Mr Duffy), on behalf of the Minister for Foreign Affairs and Trade, has already outlined that the Government has concluded that weaknesses in infrastructure, institutional support, the high risk rate of projects and the non-systematic examination system have somehow eroded and could continue to erode the effectiveness of that Fund. Therefore, while the Government may gradually phase out its funding and redirect that funding in other similar areas, Australia has been a member of IFAD since its establishment in 1977, and I would like to pay tribute to its achievements. The IFAD has undertaken agricultural projects, projects assisting private farmers in developing nations to improve agricultural productivity and to develop irrigation and conservation programs, improved agricultural practices and better utilisation of natural resources, and has undoubtedly in its time assisted thousands upon thousands of the world's poorest people. The Asian Development Bank also has given loans and technological assistance, assisting with operational strategy and project implementation. Many countries, from Thailand to Papua New Guinea, from Korea to Nepal, have benefited.

I compliment the organisations assisted by this legislation which, along with the Australian Government, governments of other developed nations and the many non-government organisations—I note World Vision, the church organisations and Community Aid Abroad, which do an excellent job and are active in this area—have by their actions striven to alleviate an international shame: widespread and deeply entrenched poverty. In doing so, I point out that, compared to the need, the combined efforts of the developed world are just a teardrop in the ocean. Not only democratic governments in developed nations but also the people whom they govern should give thought to their priorities.

Food must be provided to the hungry, and in greater abundance. World markets should be opened to poor nations on a wider, counter-discriminatory basis. The stranglehold of servicing a burgeoning external debt should be cut from developing nations in its entirety. The system which embraces and entrenches these facets must be changed so that the economic growth and social infrastructure, the individual jobs and the income gains which come from the freedom and the opportunity to compete and to expand are provided to all nations. Until then the developed world stands condemned.

Mr ROCHER (Curtin) (5.53)—In his opening remarks on the International Development Association Bill, the Asian Development Fund Bill and the International Fund for Agricultural Development Bill, which are being debated cogently, the Minister for Trade Negotiations (Mr Duffy) indicated for the first time a more critical approach to funding each of the bodies which are in effect the subject matter of these Bills. In one way or another the International Development Association (IDA), the Asian Development Fund (ADF) and the International Fund for Agricultural Development (IFAD) are offshoots or affiliates of the World Bank. The Minister advised that in late 1986 a number of questions arose about the effectiveness and efficiency of international financial institutions in general and the World Bank, the Asian Development Bank and the International Fund for Agricultural Development in particular. We should all be grateful for the questioning, which is long overdue.

It will not be lost on those interested that in late 1986 there was a Bill before this House which committed Australia to subscribe further capital to other international financial institutions which are also part of the World Bank group. Those institutions, which then ultimately benefited, included the International Bank for Reconstruction and Development (IBRD) and the International Finance Corporation (IFC). That measure was designed to prop up by infusions of so-called capital the IBRD and the IFC because they could not borrow enough money at interest rates sufficiently low to enable on-lending at terms which the countries needing help could service. Australia subscribed so-called capital—money on which we are unlikely ever to get a dividend, let alone a return of principal—to overcome the inability of the IBRD and the IFC to raise funds in the previously normal way. That might be said to be history.

What is interesting is that, while that legislation of doubtful merit was being considered by the Parliament, questions arose simultaneously about the common parent, the World Bank, as well as the ADF and the IFAD. There was no mention of questions arising when I—and, as far as I recall, I alone—was expressing in debate on 11 November 1986, reservations about the efficiency of the World Bank and the entire group. Surely, 11 November 1986 was late enough in that year to rate a mention in the Government's official approach to funding for major elements of the World Bank conglomerate. Even an indication from the Government of mild concern in late 1986 would have been somewhat reassuring. As it is, we are now told that questions about the effectiveness and the efficiency of the World Bank arose at the very time we were being asked to plough more taxpayers' money into it—large lumps totalling some \$US112m, if I remember correctly. That information, along with any doubts held by the Government in late 1986, should have been disclosed then.

The claim in the Minister's second reading speech that, apparently, despite questions which then arose, the Australian International Development Assistance Bureau concluded that 'international financial institutions are, in general, effective institutions' raises more questions than it answers. That is especially the case when the assessment of Professor Helen Hughes, published recently in the *Canberra Times*, is considered. In his second reading speech, the Minister cited her opinion on the efficacy of IFAD as if to explain the Government's approach to funding that institution. Whether her conclusion, with which the Minister unequivocally agrees, has application to other kindred organisations remains very much open. She wrote—the Minister agreed with this:

It would be wise to cut aid to ineffectual organisations and retain sufficient interest in the more effective one to be able to have something of a say in their running.

On that the Minister and I are as one. That that agreement is limited to IFAD is where there is a parting of the ways. Professor Hughes had quite a few observations to make in arriving at her conclusion. The Minister paraphrased some of them in his second reading speech. Without attributing meaning other than in the context of her remarks, limited to IFAD as they were, I ventured the opinion that the professor's words have much wider application. For instance, the World Bank is not above criticism either for its past failings or for the way its operations have burgeoned. As to the latter, the creation of more and more agencies under the umbrella of the

International Monetary Fund and the World Bank seems to have led to ineffective and inefficient practices in all of them at one time or another. Some of them have endured even to this day. Just as Professor Hughes seemed to criticise IFAD by writing that 'a new group of international public servants was born', so it is that I see that as a major achievement of some other financial institutions in the World Bank group of agencies and affiliates.

Despite our participation as a very generous donor to the International Development Association, there remain doubts and questions. The Minister, on behalf of the Government, has on this occasion given a hint that our contribution to the IDA received more consideration than when similar legislation was passed in 1984 and 1985. We should be grateful for that. When we agreed in late 1984 for a further \$200m for the IDA over three years, there was a dearth of supporting information from the Government. The following year when we agreed to top up that \$200m with a further \$60m, equally little was offered by way of explanation. I note that with the ante to be increased this time to a total of \$335m, the additional \$75m over the \$260m sees this part of our aid program growing at a rate far in excess of inflation. In the light of considerable cuts in our unilateral and bilateral aid over recent years and in the foreseeable future, an increase of that dimension is surprising. When our participation as a donor nation to IDA was last debated in March 1985, I expressed some of my concerns. Despite a more informative approach by the Government at this time, some of those concerns remain.

While the proportion of soft loans from IDA to India has fallen over recent years, that country is still a major beneficiary. We are told that India and the People's Republic of China attract 30 per cent of new loans from IDA. Therefore, it can confidently be said that about \$180m of the total of \$595m that Australia will have subscribed to IDA over the six years to July 1990 will be lent to India and China. Although the problems faced by each of those populous nations are many and varied, it is hard to justify Australian taxpayers' money being made available on what are virtually giveaway terms, and I shall come back to those terms.

I want to dwell on the proposition that both India and China are among the most prosperous of the least developed countries that Australia, through the IDA, effectively helps. Between them, India and China are likely to receive the lion's share; yet each country has managed to

generate the necessary wealth to test and/or stockpile nuclear weapons. Neither is a party to treaties to eschew the production and spread of nuclear weapons. I should have thought that circumstance might have registered with at least those members opposite who profess a non-nuclear obsession. But not a word in protest. Both India and China have the ability to put satellites into orbit. Therefore, they have the capacity to deliver nuclear payloads by missile. Even if it wanted to, Australia cannot do any of those things. Nor can Australia match in any way the military might of India and China. To illustrate that point, Mr Deputy Speaker, I seek leave to incorporate in *Hansard* a table showing the military strength and spending of those countries in 1986.

Leave granted.

The table read as follows—

REPUBLIC OF INDIA

MILITARY

1986 Military Budget: US\$6.95 billion

Increase Over 1985: 9.8%

Expenditure as Percentage of GNP: 3.5%

Per cent of Government Spending: 20.2%

Total Regular Forces: 1,260,000

Reserves: 200,000

Navy: 47,000

Army: 1,100,000

Airforce: 113,000

Combat Aircraft: 753

Naval Vessels: 8 Attack Submarines, 1 Aircraft Carrier, 3 Destroyers, 23 Frigates, 4 Corvettes, 14 Fast-Attack Craft (missile), 9 Patrol Craft, 18 Minehunters.

PEOPLE'S REPUBLIC OF CHINA

MILITARY

1986 Military Budget: US\$6.252 billion

Increase Over 1985: -1.6%

Expenditure as Percentage of GNP: 1.75%

Per cent of Government Spending: Not available

Total Regular Forces: 2,950,000

Reserves: 5,377,000

Navy: 350,000

Army: 2,110,000

Airforce: 490,000

Combat Aircraft: 5,300

Naval Vessels: 2 Ballistic Missile Submarines, 3 Cruise Missile Submarines, 112 Attack Submarines, 15 Destroyers, 31 Frigates, 14 Patrol Escorts, 81 Large Patrol Craft, 100 Coastal/River Patrol Craft, 232 Fast-Attack Craft (missile), 355 Fast-Attack Craft (gun), 190 Fast-Attack Craft (torpedo), 33 Minesweepers.

Mr ROCHER—I thank the House. The table speaks for itself. As can be seen from the table, 20.2 per cent of India's revenue is spent on its

military machine, which is an impressive 3.5 per cent of its gross domestic product. It has a blue water navy that Australia cannot hope to match. India purchased and continues to buy most of its sophisticated military needs and weapons from the Union of Soviet Socialist Republics; with an aircraft carrier, eight attack submarines, 71 other surface vessels, 753 combat aircraft and a standing army of 1,100,000, India is indeed a military nation to be reckoned with.

Given India's prominence in the military stakes, which in numbers of capital items and manpower is exceeded by the People's Republic of China, our service chiefs must be hard put to explain the relative poverty afflicting our service men and women and their families. Despite Australia's lack of capacity when measured against the progress and achievements in India and China, we continue to give them aid through IDA. What galls even more is that Australia does not even receive the credit for this aid because it is dished out by others, namely, that new breed of international bureaucrats to whom I referred earlier.

Surely there must come a time, if we are to continue to part with these funds, for the aid to be delivered directly and in our names. Loans from the IDA, possible in part because of our generosity, are made available to recipient countries on extremely favourable terms. They are so-called soft loans. They take the form of interest free credits for up to 50 years. The principal is not repayable during the first 10 years of each advance. I understand there is an annual 0.75 per cent service charge on the principal.

It is no wonder that money available on such favourable terms is keenly sought. India and China certainly recognise a bargain when they see one. Although it cannot be said that funds from the IDA are channelled into the nuclear, rocketry or military programs of India, China or any other recipient countries, the fact remains that such loans make other funding possible. Because some recipient governments do not have to find funds to finance projects favourably regarded by IDA, internally and otherwise generated funds can be reserved for military spending. Simply IDA loans indirectly, but undeniably, allow India and China to spend in a way which is not in the best interests of Australia or poverty stricken citizens we want to help.

Through these measures and other funding of World Bank agencies, we are indirectly facilitating the purchase of sophisticated military equipment, the creation of nuclear weapons and the development of ballistic missile capacity in our

region. That is arguably unwise, to put it in the kindest possible light. Although I prefer that it should be done by unilateral or bilateral programs, our desire to help the poorest countries is commendable. Whether the goal of real assistance by this approach is achieved in practice in the way we now go about it is open to some doubt. Because of past shortcomings, the World Bank has, over the past couple of years, embarked on a major reorganisation of its conglomeration of operations. The operations of many of its affiliates which offer both hard and soft loans overlap, creating further complications. In a classic banking operation it would be likely that a cocktail of loans was the order of the day. I am not sure that there is not some of that going on simply because of the overlap. That possibility aside—and given misgivings about the efficiency of IDA—it should be noted with some trepidation that there should be a new criterion involved concerning matters involving conservation and green issues generally.

I wonder whether that will have the desired effect of improving the calibre of the service being offered by IDA and other international financial institutions. It is certainly in tune with the jargon and fad of the day, but I doubt whether it will add much to providing something worthwhile in the sub-Saharan regions and other areas which we seek to assist. In giving aid through the IDA and other affiliates of the World Bank, I believe we do ourselves a disservice. We certainly do not receive sufficient credit for the use of our taxpayers' funds. Our national interest probably suffers accordingly or, if it does not suffer, is not enhanced to the extent that it should be.

By the time this top up of IDA funds runs its course over the next three years, the institution, with our not inconsiderable support, will have been operating for 30 years. Although I do not believe it can be said that the hundreds of millions of taxpayers' dollars that we have provided over those years have been entirely wasted, there are some ominous signs that the World Bank group is a tired institution and excessively bureaucratised. Perhaps it is now time to question how we go about giving aid. The Jackson Committee to Review the Australian Overseas Aid Program made an attempt to deal, but not properly as far as I can recall, with these international financial institutions.

If my preferred option of adopting a unilateral or bilateral approach were implemented, at least all Australians could know the names of the recipient countries and how much each was get-

ting. Because we are funding the IDF, IFAD and the Asian Development Bank in that way, such basic information is simply not available. I have not heard anyone in this House, in this debate or in previous debates, able to quote with authority the end use of the funds we provide. Some basic information such as the percentage going to India and China is mentioned by the Minister.

Because of all this, the operations are virtually unaccountable to the Government of the day. With an entirely unilateral or bilateral approach, wasteful administration, if it were to exist, could presumably be corrected in Australia. We simply do not have the necessary influence. We have a tiny voting right in each of these institutions, and we do not have the ability to control the eventual destinations or even the inefficiencies in the administration of the funds that apparently exist. That is not just my opinion; the matter has had the attention of the United States Congress, and there is a great deal of written information available from the Congress.

Generally, and for a range of reasons, I believe that foreign aid should be delivered directly by the Commonwealth Government of the day. International financial institutions, whilst growing in number, are showing signs of inefficiency and ineffectiveness and seem, in many cases, to have outgrown their usefulness. As a country, Australia is sufficiently mature and competent to accept its responsibility for foreign aid and to decide which countries will receive it.

Mr LINDSAY (Herbert) (6.12)—The International Development Association Bill 1987, the Asian Development Fund Bill 1987 and the International Fund for Agricultural Development Bill 1987 deal with Australia's contribution towards further replenishments of the International Development Association (IDA), the Asian Development Fund (ADF) and the International Fund for Agricultural Development.

The International Development Association Bill 1987 authorises the contribution of \$A335m by the Australian Government towards the eighth replenishment of the resources of the International Development Association or, as it is more widely known, IDA. This contribution is designed to cover concessional lending operations over the three fiscal years 1988-90. Much of Australia's multilateral aid is administered by a number of international finance institutions. These institutions include the World Bank, the Asian Development Bank and their respective concessional affiliates, and the International Fund for Agricultural Development. Australia is a

member of the World Bank group which includes the International Bank for Reconstruction and Development. This institution lends money at better than commercial terms to its developing member countries. Another concessional lending authority, the International Development Association, directs its resources to the poorest developing countries. In addition, the International Finance Corporation promotes growth of productive private enterprise in developing member countries. As the Minister for Trade Negotiations (Mr Duffy) stated in his second reading speech to the International Development Association Bill, IDA was established in 1960 to provide concessional assistance, such as long term, interest free credits for sound development projects, to low income countries. From the beginning, Australia has been a member of IDA and has contributed to the previous seven IDA replenishments.

Australia's IDA contribution represents a major share of Australia's aid to Africa. Nearly half of the eighth replenishment to the IDA amounting to \$US11.5 billion will be directed towards countries in sub-Saharan Africa, which include some of the poorest countries in the world.

I now refer to the Asian Development Fund Bill 1987. The Asian Development Fund, or ADF as it is more commonly known, is the concessional lending instrumentality of the Asian Development Bank. In 1966 when the Asian Development Bank was established it had the strong support of Australia and continues to enjoy that support. The bank was created to foster economic growth by private assistance to developing member countries in Asia. Soon after it was established the bank lent to Singapore, Taiwan, Hong Kong and Korea, countries that are now well on their economic feet.

Countries still requiring assistance include Indonesia, Pakistan, Sri Lanka, Nepal and Bangladesh. The entry of China and India has added a significant new dimension to the activities of the Asian Development Bank. The bank is now a lender to countries whose population account for about half of the world's population. The Asian Development Fund Bill 1987 authorises a contribution by Australia of \$A410m towards the fourth replenishment of the Asian Development Fund. The fourth replenishment, which totals \$US3.6 billion, is intended to cover the Asian Development Funds's lending operations over the period 1987-90.

Australia, as one of the biggest contributors to the Asian Development Bank, has an interest in how this money is spent, and as the Minister for

Trade Negotiations indicated in his second reading speech, there have been concerns over some recent trends at the bank which include not only staff grievances but also concerns that certain project proposals have been approved on a doubtful basis. Indeed, there have been allegations that some project loans have been doctored to make them appear worth while. In April 1985 the United States Governor of the bank referred to loan quality in his speech at the bank's annual general meeting when he said:

While the majority of projects continue to be good, we frankly have been disappointed with the quality of several of the projects which have been approved within the past year. The United States opposed on economic grounds four loans and abstained on three in 1985, an all-time high for us . . . Problems experienced recently with loan quality can be resolved through better internal reviews of projects before they are brought before the board of Directors.

His concerns were supported by the comments made in a speech at the same meeting by Australia's then Acting Treasurer, the honourable member for Adelaide (Mr Hurford), who said:

The argument that the bank should not sacrifice the quality of its loan projects in order to achieve lending targets is one which we support. Bad projects benefit neither the bank nor the developing countries concerned.

Australia is the fifth biggest contributor to the Asian Development Bank and will not countenance loans being approved for projects which are not sufficiently viable. Concern has been expressed by a former employee of the bank, Bob Bakley, who observed that:

The bank's goal is to make too many loan, whether they are good or bad is not important. But the money is there to improve the economies of countries, not just to make loans.

I am informed that the bank is responding to the concerns and criticisms expressed by the United States, Australia and other countries. New operational direction, strategies and policies are to be formulated. This is essential if the Asian Development Bank is to continue to provide effective service to the poor countries in our region which desperately need our generous assistance to achieve economic justice and freedom from want.

Australia's external aid has increased from roughly \$700m when the Hawke Government came to office to \$A1,008m in official development assistance in 1987-88. The increase in aid this financial year is about 3 per cent in money terms on expenditure in 1987-88. It is an admirable accomplishment despite the difficult economic circumstances—particularly on the external account—which are continuing to retard economic growth in Australia.

For more than 25 years successive Australian governments have accepted that the developed nations of the world have a moral responsibility to assist developing countries by promoting their economic and social development. Over this long period of time the Australian taxpayer has spent hundreds of millions of dollars in promoting and encouraging the economic and social development of the nations in our region. Australian governments have a responsibility to ensure that the taxes which are paid by Australian citizens, and which are directed towards overseas aid are managed in a responsible and productive way. This is important to the good reputation of Australia.

In the main, Australia's overseas aid program is designed to meet three main objectives. The first and most important objective is to promote economic and social progress in developing countries, especially those in our neighbourhood. The second objective is to enhance Australia's political and strategic interests. The final objective is to encourage Australia's commercial interests.

It is obvious that the wise application of Australia's overseas aid in accordance with these objectives can only contribute to the preservation of stability in our region. On 18 November 1985 the Minister for Foreign Affairs and Trade (Mr Hayden) stated in this House:

The Government, in other words, maintains a balance of motives in our aid program—a necessary and perfectly defensible balance—between our humanitarian concern for our fellow human beings and our economic and political interests.

Writing in the *Bulletin* on 5 May 1987, David Barnett had this to say:

Australia is an extraordinarily generous donor by international standards. In 1985 the Organisation for Economic Co-operation and Development Assistance Committee ranked Australia seventh in the world on a table calculating aid as a proportion of GNP. Norway leads with one per cent from the Netherlands, Sweden, Denmark, France and Belgium. Behind Australia on 0.49 per cent came Canada, West Germany, Finland, Austria, Britain, Italy, Switzerland, Japan, New Zealand, the United States (which provides the major military guarantee for Western security) and Ireland. The DAC average is 0.35 per cent. Despite this year's reduction in the aid program Australia still provides 0.39 per cent of GNP in the form of aid.

Australia gives aid of varying kinds to more than 90 countries in a great variety of programs. For example, this financial year aid to South East Asia will grow by about 13 per cent to \$118m. Indonesia will receive \$44m, the Philippines \$24m, Thailand \$19.5m and Laos \$6m. Australia will initiate a three-year program of economic aid to southern Africa, at an estimated cost of

\$55m. The Hawke Government has also increased its assistance to other regions. Economic food aid forms a leading part of Australia's programs in south Asia and Africa. This financial year China will receive \$18m and Burma \$12m.

In recognition of the important role played by non-government organisations in Australia's aid efforts, support for these bodies will rise by almost 50 per cent to \$10.6m. The United Nations Development Program will receive \$15m; the World Food Program will receive \$41.5m; and the United Nations Children's Fund will receive \$3.1m. The administrative costs of the Australian International Development Assistance Bureau, which manages the Government's aid program, are estimated to increase by about \$3m to \$22.4m. Indeed, Australia has been munificent.

Papua New Guinea continues to receive the bulk of Australia's overseas aid—almost \$100 per capita per year. By comparison, Indonesia receives about \$9 per capita from all sources, India receives about \$3 per capita and China receives less than \$1 per capita. This financial year Papua New Guinea will receive \$275m in direct support from Australia. Since 1975, when Papua New Guinea gained its independence, the Australian taxpayer has provided nearly \$4.3 billion in today's prices in aid to Papua New Guinea. Almost all of it has been in the form of untied Budget grants.

Grants to Papua New Guinea will continue to account for one-third of Australia's total foreign aid budget. Truly, it represents an extraordinarily generous commitment by a developed country to a former colony. Australia has a special historical relationship with Papua New Guinea and this special relationship also has economic and strategic advantages for Australia. Writing in the *Age* of 17 September 1986, Mark Baker observed:

PNG has become one of the biggest markets for Australian manufactures, with the annual trade balance running in Australia's favour by more than \$400 million. Australian companies dominate PNG commerce with investments totalling more than \$450 million. More significantly, Australian aid has helped maintain PNG as a stable democratic society in a region vital to Australia's security and of increasing political uncertainty.

Indeed, Australia has been munificent with its aid to those countries less fortunate than Australia. However, I perceive a hardening attitude in the Australian electorate about the level and bias of Australia's aid program in the recent economic climate. Many say that charity begins at home. Critics identify many areas of need in

Australia and they make impassioned calls for government aid to assist the poor and the needy in Australia. Their exasperation at Australia's overseas aid largesse is echoed at all levels of society in Australia. Yet successive Australian governments, and particularly the Hawke Government, have always asserted that Australians, as decent people, will not shut their eyes to the grinding poverty of millions of people around the world. No country—including the most prosperous—can consider itself as an oasis of prosperity whenever and wherever there is widespread misery. At all times the Hawke Government has been determined to maximise the impact and effectiveness of the aid-tax dollar. The Australian taxpayer demands no less.

This Government will continue to assess the value of Australia's overseas aid not only to Australia but also to the recipient country. Whilst the views of overseas aid practitioners are received, the Government alone will decide the extent and direction of Australia's overseas aid. The Hawke Government, in the words of the Foreign Minister, believes that:

The massive poverty of our fellow men and women is an abiding stain . . . the problems of poverty must be approached with generous sentiment rather than easy sentimentality.

They will not be solved just by good intentions but by rational analysis and careful planning.

Overseas aid recipients and overseas aid lobbyists are now on notice that easy sentimentality is out and rational analysis and careful planning are being enforced. This can only be to the mutual benefit of Australia and countries receiving aid from Australia. I commend the Bills, on the basis of their careful planning and rational analysis, as further evidence of the Hawke Government's commitment to national reconciliation, national reconstruction and national recovery.

Dr HARRY EDWARDS (Berowra) (6.28)—What needs to be said in response to the honourable member for Herbert (Mr Lindsay) is that, despite his concerns, under this Government the volume of Australian development assistance has been cut in recent years. Perhaps I could return to that subject after the suspension of the sitting for dinner.

Sitting suspended from 6.29 to 8 p.m.

Dr HARRY EDWARDS—As previous speakers in this debate have stated, the International Development Association Bill, the Asian Development Fund Bill and the International Fund for Agricultural Development Bill are to authorise contributions by this country to the International Development Association (IDA), the Asian

Development Fund (ADF) and the International Fund for Agricultural Development (IFAD). The contributions amount in total to just over \$A750m and are spread over 12 years in the case of the ADF. A contribution of \$750m would appear, on the face of it, a substantial sum, but not in this context. Let me make a couple of passing observations in getting this thing into perspective. For example, the Western Australian Labor Government last week approved the provision of over \$500m by the State Government Insurance Office to sustain the hard-pressed Holmes a Court companies. That was a highly improper, indeed disgraceful, misuse of public funding—an exercise in Marcos style 'crony capitalism' as a colleague referred to it last weekend.

Another way of looking at the contribution is that over the 12 years it would represent an average of about \$60m per year. That is only a mere two days borrowing, is it not? It represents just two days borrowing at the current rate of the profligate national overspending by this Hawke Government. By 'two days borrowing' I mean that our monthly balance of payments deficit is about \$1,000m, which amounts to about \$30m a day. That is the measure of the extent to which we as a nation go extra into hock every day. From this time yesterday to now we are in hock an extra \$30m. Believe me, I am not saying that with the overtone that in this situation we should not be providing these funds for overseas development assistance. Rather, I am saying it to keep before this Parliament and the Australian people the fact that this country is in a critical position—with a vast balance of payments and overseas debt problem that the Government should be addressing with the utmost vigour and determination, not with the gradualist, laid back approach it is adopting.

A proper approach would involve cutting our aspirations to fit the cloth, so to speak. But overseas development assistance is not the area that should be cut in the inevitable trimming of those national aspirations and activities that has to come. In fact, development assistance has been cut by this Government, as I asserted to the honourable member for Herbert before the suspension of the sitting for dinner. While the projected total of development assistance amounting to \$1,007.6m in 1987-88 represents a small increase on last year in money terms, it is actually less than the 1985-86—two years back—money figure of \$1,031m. So the cumulative reduction in real terms—that is, correcting for inflation—since 1985 amounts to more than 20 per cent. There have been few, if any, other cuts

of that order. That, I believe, is an indication of the Government's commitment—or lack of commitment—to this great issue of the economic development of the developing countries.

That level will mean that Australian development assistance represents 0.36 per cent as a ratio of gross domestic product. It is the lowest in 20 years, if not ever, for this country. It was at 0.5 per cent around 1983 and 1984 and did all but touch 0.6 per cent in the late 1960s. Looked at in this way, there has been a serious deterioration in the Australian development assistance effort. As is well known, the target figure of the United Nations is 0.7 per cent. Australia is committed to achieving that figure, but we have a long way to go.

However, the average figure for the developed countries of the world in 1986 is about the same as our present figure, 0.36 per cent. There has been worldwide a declining trend in capital flows and development assistance to the poor, the developing countries, over the past five years which, associated with the horrendous Third World debt issue, is a significant factor which contributes to the imbalance and difficulties of the world economy. It goes along with the United States of America budget and trade deficits we hear so much about, and the fallen United States dollar; with the German and Japanese trade surpluses, and the greatly appreciated Deutschemark and yen; along also with the adverse effects of European and Japanese farm protectionism; and in all, with the recent world stock exchange crashes which were both symptomatic and exacerbating factors.

Figures for the final net annual financial resource transfers from the developed, the rich, to the developing, the poor, countries are not easy to come by. However, Dr Henry Kaufmann of New York Salomon Brothers has estimated that in the three years to the Mexican debt crisis in 1982 the 18 major developing countries received an annual net transfer of the order of \$US40 billion. But in the years since then there has been a net reverse flow from the poor countries to the developed, the advanced countries, at an average of \$25 billion to \$30 billion. Does the House hear that? There has been a flow from the poor to the rich. The point was also stressed by the honourable member for Charlton (Mr Robert Brown). That would mean that the developing world is around \$70 billion a year worse off, as measured in terms of control over resources, than it was four years ago! Apart from the direct impact of that on the developing countries, that has to be a major constraint on

world growth. It ties in directly with the United States deficit trade balance problem as Latin America is—and has been—a major customer of the United States.

Without going into all the complexities of this vast subject, the plight of developing countries, containing upwards of two-thirds of the world's population, is a matter of urgent and important concern to everyone. To address it involves tackling the \$1 trillion, that is \$1,000 billion, debt overhang of the developing countries, as well as increasing aid and development assistance, especially soft aid—the institutions which are the subject matter of the Bills before the House operate in the area of soft or concessional lending to poor countries—and also, and very importantly, increasing trade opportunities, including freeing up farm trade.

The debt issue would involve an internationally co-ordinated effort to stretch out the debt of the poorest countries, to reduce interest rates to them, and to afford them some so-called debt forgiveness. For the so-called middle income debtors with relatively more robust economies it means searching out new ways of refinancing the debt including debt-equity swaps, thus reducing the weight of repayment obligations. I have no illusions—but that the ultimate cost of this will be borne by Western banks, stockholders and taxpayers. I recognise that. But what is important is the long term mutual benefit. That is an important point to stress in this whole aid and development context; namely, the mutual economic interest of both the donor and recipient countries, the great and increasing mutual dependence between the developed and the developing countries—which means that it is in our straight-out, long term economic interest to mount a significant aid and development assistance effort.

It is important to stress that, because for many the case for the international aid program begins in humanitarian terms, which is okay, but it also ends there, which is wrong. The starting point is the injunction of Christ that 'of those to whom much is given, much will be expected'. The case in humanitarian terms is certainly a compelling one. But I am also well aware that there is far from universal support out in the electorate for a large overseas development assistance effort by this country.

I am making the strongest possible appeal for support out in the electorate of what the Parliament is doing in these Bills and in the development assistance program in its entirety. We do come up against the view in the electorate that

charity begins at home and that there are more important priorities among our own poor and underprivileged in education, health, housing and so on. That view is perhaps reinforced by the perception in more recent times that the difficulties of the developing countries have somehow diminished in recent years. That perception stems in part from the undoubted fact that the level of food production and the extent of food self-sufficiency have improved significantly in many developing countries, for example in India—although certainly not in the developing countries of Africa, especially the sub-Saharan countries. The average African is now poorer than in 1960. Overall, the developing countries as a whole continue to be net importers of food—perversely, in a context of mountains of food in farm protectionist advanced countries. The extent of chronic malnutrition in developing countries is vast; and there are many other dimensions of Third World poverty, for example, inadequate or non-existent health care.

We need to take on board the United Nations Children's Fund estimate referred to by the honourable member for Charlton and others—it is staggering and awful—that there are close to 15 million deaths of infants and small children every year, most of them in developing countries and, it is said, most of them unnecessary; that is, 40,000 largely preventable deaths of children every day. Noting that the Hiroshima bomb casualties totalled 120,000, we might say, as one writer graphically put it, that we have a Hiroshima-like catastrophe—120,000 deaths—every three days. So the case in humanitarian terms is strong.

But that is the beginning, not the end of the matter. The international aid and development effort is also significant in respect of preserving world peace. As a distinguished statesman once put it, 'You cannot have a peaceful world one third rich and two thirds hungry and poor'. The fact is that the circumstances of underdevelopment, the deprivation and poverty of the so-called South vis-a-vis the relatively rich North, exacerbated in many cases by great power interventions, are a potential source of conflict, with the possibility of escalating to a world conflict almost as great as that inherent in the super-power tensions between East and West.

So what is at stake is not only humanitarian concerns, but no less an objective than world peace. Bound up with that is the point I made earlier—and I come back to it—of the great and increasing mutual economic interest of the developed and the developing countries, so that a

significant aid and development assistance program is, as I said, in our straightforward, long term economic interest. I am stressing that it is not just a soft headed, charitable thing to advocate a significant aid and development assistance effort.

I appeal to the electorate in those terms. We need political support, much stronger electoral support, in this area, as I suggested earlier. For the so-called North-South imbalance, the issue of fostering the development of the poor countries is a challenge of quite massive proportions. It can be tackled only by governments and by large scale private sector activity, that is, by the major commercial banks and other lending institutions as in recent years, albeit in new ways while untangling the past, and, perhaps even more importantly, by direct investment by large northern multinationals and fund managers, and also—I stress this—the right policies in the recipient countries themselves.

I say again that the scale of the problem is immense. But in stressing that I do not belittle, nor do I want in any way to discourage, the contributions that are made by voluntary organisations, such as the Freedom from Hunger organisation, World Vision, and other such non-government organisations—I would also mention the Grain Security Foundation, with which I myself am associated, and the Maranatha Trust, of which I have the privilege of being Chairman of its overseas aid fund. These organisations do most valuable work, but also they are of the utmost significance in this context of the need to mobilise political opinion in this country in support of Australia's development effort.

These Bills, as I have said, authorise the contributions to the IFAD, the ADF and the IDA. They are all institutions operating in the area of soft and concessional lending. It must be said that there are varying judgments as to the effectiveness of their operations. The Government is most concerned about the IFAD, and the Minister for Foreign Affairs and Trade (Mr Hayden) has foreshadowed that this will be the last contribution by Australia to that institution. Of course a critical approach to the activities of these bodies, but I hope a constructive one, is entirely justified. There is much food for thought in the comments of my colleague the honourable member for Curtin (Mr Rocher), who spoke just before dinner. However, that needs to be without prejudice to the total of development assistance that this country should provide.

I make a brief reference to the composition of the Australian aid program. On this point I

believe it is entirely proper for the program to focus particularly on developing countries in our neighbourhood, and to be framed with Australian economic and political interests firmly in view. I particularly commend the substantial increase over recent years—although not this year—in the volume of aid to the newly emergent island nations of the Pacific.

I conclude on this note: reference has been made in this debate by the honourable member for Lilley (Mrs Darling), the honourable member for Fraser (Mr Langmore), the honourable member for Curtin and others to the enormous cost of maintaining the nuclear balance and of spending on armaments generally, now of the incredible order of \$900 billion a year, or about \$1.7m every minute—and the adverse impact that that has on development assistance. I recognise that; and I empathise with the anguished *cri de coeur* of the honourable member for Charlton earlier in this debate when one compares that sum that I have just mentioned with the cost, the tiniest fraction of that sum which could prevent many of the 40,000 deaths of children every day that I referred to earlier.

A very large proportion of total military spending is, of course, by the super-powers, but it is not confined to them. As I have said in this House before, the complexity, the challenge, the utter frustration in this whole context before the House is underlined by the statistic that since the early 1980s developing countries have spent more on imports of armaments than they have received from all sources of development aid. There is, however, this positive aspect of that picture, that economic pressures in those countries have forced a turnaround in purchases of arms. There was a peak in 1982 and there has been a fall since. Another aspect of this is that military spending in total by developing countries exceeds their spending on education, health and welfare put together.

As I have said on a previous occasion in this House, in this situation it would be great to have a formula which linked the receipt of aid and development assistance with a decrease in spending on arms in the recipient countries. The Germans tried something like that a few years back in some Latin American countries. But I fear that is pretty utopian, a dream world. What is important is that this perverse situation should not lead us to curtail the sorts of activities and the provision of funds that we are debating here tonight. We have to keep on with the provision of capital and large scale development assistance to poor countries, together with increased trad-

ing opportunities. That is one important and urgent imperative. But at the same time we have to work at, and to negotiate for, arms control and disarmament as the other imperative.

Sure, as the honourable member for Charlton said, the priorities in world expenditure, as between development and arms, present an obscene, horrific imbalance and distortion—an obscenity, is the right word. Just the same, the position is not without hope, I witness the treaty for the elimination of medium and shorter range nuclear weapons, now reportedly near signature. That is a significant advance. We have to continue with purpose on both these fronts—the provision of development assistance; negotiation for arms control and development—if we are to achieve the furtherance of world economic development and the preservation of world peace, as we would all desire.

Mr HAND (Melbourne—Minister for Aboriginal Affairs) (8.20)—The debate on the International Development Association Bill and cognate Bills has thrown up a number of suggestions from honourable members on both sides of the House. As the International Development Association Bill is not opposed by the Opposition, it is my intent to relay those suggestions to the Minister for Foreign Affairs and Trade (Mr Hayden). I was in the chamber last night and heard a number of contributions. There were some excellent suggestions. The bipartisan approach to the debate will be relayed to the Minister on his return. I am sure that he will take note of the very worthwhile contributions that have been made.

Question resolved in the affirmative.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by **Mr Hand**) read a third time.

ASIAN DEVELOPMENT FUND BILL 1987

Second Reading

Consideration resumed from 19 November, on motion by **Mr Duffy**:

That the Bill be now read a second time.

Question resolved in the affirmative.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by **Mr Hand**) read a third time.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT BILL 1987

Second Reading

Consideration resumed from 19 November, on motion by **Mr Duffy**:

That the Bill be now read a second time.

Question resolved in the affirmative.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by **Mr Hand**) read a third time.

PRIVILEGE

Mr DEPUTY SPEAKER (**Mr Leo McLeay**)—Earlier today the Leader of the National Party of Australia (**Mr Sinclair**) raised, as a matter of privilege, arrangements concerning the luncheon held in honour of His Majesty the King of the Belgians and Her Majesty Queen Fabiola. Parliamentary privilege is defined as the sum of the peculiar rights enjoyed by each House collectively and by members of each House individually without which they could not discharge their functions and which exceed those possessed by other bodies and individuals.

Madam Speaker has examined the remarks of the right honourable gentleman and has concluded that no question of privilege or contempt is involved. The matters raised by the right honourable member for New England (**Mr Sinclair**) do not go the legal rights or immunities of members, nor is there evidence of any possible contempt in the accepted meaning of the term. The matters raised by the right honourable gentleman are of a ceremonial and administrative nature. Together with the President, Madam Speaker has a responsibility insofar as giving approval for functions to be held in the precincts. She does not, however, have responsibility for the guest list and similar matters for functions such as that held today. These are the

responsibility of the Government. Madam Speaker will draw to the attention of the Prime Minister (**Mr Hawke**) the remarks of the right honourable member.

DAIRY PRODUCE AMENDMENT BILL 1987

Second Reading

Debate resumed from 4 November, on motion by **Mr Peter Morris**:

That the Bill be now read a second time.

Mr LLOYD (**Murray**) (8.27)—The Dairy Produce Amendment Bill alters the penalties for breaches of the International Dairy Arrangement (IDA). Australia is a signatory to the General Agreement on Tariffs and Trade and, as a dairy exporter, is one of the leading dairy exporting countries of the world and also a signatory to the International Dairy Arrangement minimum price protocols for three dairy products: cheese, milk fat and milk powders. At present the penalty for breaches of those minimum prices for Australian dairy exporters can be up to and including a term of imprisonment for two years, which is a most draconian penalty for the breach of what is an international gentlemen's agreement. Anybody who knows the international dairying agreement will know that there are not too many gentlemen in it.

These severe penalties go back to the time of the Asia Dairy Industries (Hong Kong) Ltd affair and the Senate inquiry into it when it was believed that there was a breach of the arrangements. In terms of that arrangement, as dairy exporters we were seen as honest fools. We were the only dairy exporters abiding by the regulations. As a result we lost markets. We lost markets because we could not deal on the margin, like every other dairy exporter does, and because some merchants and importers did not want to deal with us because their commercial arrangements could have been exposed on the floor of this Parliament.

At present the international dairy market is strengthening. For me—a dairy farmer who comes from a major dairying electorate—that is good news. At the September meeting dealing with the International Dairy Arrangement the minimum price for cheese and milk powders was increased. The European Community (EC) has had a huge stockpile of butter—butter may be a generous description for some of the product because of its age—of 1.2 million tonnes. Fortunately in one sense that stockpile is being reduced dramatically. I have seen figures that show that it is as low as 400,000 or 500,000

tonnes because there have been big sales to the Union of Soviet Socialist Republics and Bangladesh. I think sales are also in the process of being negotiated with India.

In the process of reducing that stockpile, once again some funny business has been going on in the international dairy market. The Minister for Resources (Mr Peter Morris), in his second reading speech, referred to the penalties applied by other countries. The IDA does not stipulate what penalties should be applied to countries which breach the Arrangement. He refers to the fact that the EC says that it will amend its export restitution arrangements so that breaches cannot occur. The New Zealanders say that their performance will be consistent with the IDA.

So unhappy has the Australian dairy industry become because of what it sees as the continued breaches of the Arrangement by its major export competitors—without saying who is doing what, because each country accuses the other to a certain extent and there are really only three groups of countries in the international dairy market—that the Australian Dairy Industry Conference has determined that Australia should withdraw from at least the milk fat protocol of the IDA. I want to quote an article from *Milk Matters*, which is the newsletter of the Australian Dairy Farmers Federation. It states:

For some time the Australian Dairy Industry has been concerned that Australian membership of the International Dairy Arrangement (IDA), and more particularly, membership of the Milk Fat Protocol, has relatively disadvantaged Australia. The ADIC has now agreed that Australia should withdraw from the IDA Milk Fat Protocol.

Australia's position within the IDA is unique in several respects. The Australian Government places great emphasis on strict observance of the IDA minimum prices. It is a serious offence under Australian law for companies to sell butter at prices below the GATT minimum. Other IDA participants, the European Community in particular, appear to adopt a less rigorous system of ensuring enforcement of IDA minimum prices by their traders. The European Commission sets export subsidies at levels which, in theory, make it unprofitable for EC traders to sell below the minimum, however in certain circumstances it may be worthwhile to do so even though it may involve a loss.

The other major difference between Australia and other IDA participants is that Australia has no Government backed system of financing and storing product which cannot be commercially sold. In the European Community product which cannot be sold on commercial terms can be sold into intervention where the whole Community bears the cost of storage. In New Zealand the New Zealand Dairy Board effectively pools the cost of storage and interest on product across the total New Zealand Dairy Industry. The New Zealand Dairy Board's

access, in the past, to low cost capital also assists the Board finance its stock holding.

In Australia, companies which have product they are unable to sell to international markets at above the GATT minimum must carry the storage and interest costs themselves.

These unique circumstances in Australia impose additional costs on the Australian Industry as a result of our Membership of the International Dairy Arrangement. For some time there has been a realization in Australia that these costs outweigh the benefits Australia derives from IDA membership.

The legislation envisages that where an exporter sells below the minimum price, the difference between the minimum price and the selling price has to be paid into the industry fund. There are some other more severe penalties, including the loss of an export licence. In my understanding, that is a penalty far more severe than the penalties applied in our competitor countries. What I have just quoted to the House indicates the feeling that Australia, partly because of these penalties and partly because the costs of storage are borne by the individual companies, is placed at a disadvantage compared with its competitor countries. The Opposition supports the legislation because it is a step in the right direction but it wants to draw attention to the very strong feeling in the dairy industry about what it sees still as a less than fair situation in international dairy trade.

In conclusion, I want to refer to the discussions that the Prime Minister (Mr Hawke) and the New Zealand Prime Minister, Mr Lange, had last weekend and to the response our Prime Minister gave to a question from me in Parliament on 24 November. He referred in general terms to the discussions that took place in New Zealand on the mid-term review of our closer economic relations (CER). I quote from his answer:

On the particular question of dairying, let me say that the position we have put to the New Zealanders, to which they are agreeable, is that that is covered, as was indicated by the honourable member, by a memorandum of understanding.

The memorandum of understanding is an agreement under CER for dairy trade between the two countries by arrangement, or agreement, between the two industries, that agreement being included in CER by this special memorandum. The Prime Minister continued:

We regard it as appropriate that the discussions on the issue of dairying should be conducted between the two industry associations.

My understanding is that preliminary discussions have already occurred between the two dairy industries. I make the point on behalf of the

Australian dairy industry that when CER was negotiated and this special memorandum of understanding was formulated, there was no belief at that time, no statement at that time, that that memorandum of understanding would do anything other than continue undisturbed for the foreseeable future, and would require one of the two industries to request a change, et cetera. That was the situation initially. This Government then indicated that this memorandum of understanding, this agreement, would not operate for a timeless period but would be terminated with the effect that free trade arrangements would be introduced completely by 1995. That was to be the time by which the phasing arrangements were to be completed and free trade in the agreed industries would take place. The announcement now is that the whole free trade CER arrangement could be in place by 1990. That is a dramatic change from what the industry originally believed to be the case and which, even until a few weeks ago, it was led to believe was the case. As recently as two days ago Mr Ian McLachlan, President of the National Farmers Federation, said that no rural industries had been advised in any way that the phasing in of the free trade arrangements between Australia and New Zealand would be completed by 1990.

I make the point on behalf of the dairy industry of Australia that it is talking about fair trade between the two countries. In particular, if there is to be an increase in dairy trade across the Tasman it must be undertaken on a fair basis, and in determining that fair basis two things must be taken into account: first of all, there is the quota that New Zealand has for exporting butter into the EEC, for which the producers receive a price dramatically higher than the world price. Because of the pooling or equalisation system in New Zealand that additional payment is spread across the whole range of dairy products and so flows through to every New Zealand dairy farmer. Secondly, some special arrangements in New Zealand have advantaged New Zealand dairy farmers compared with Australian dairy farmers. One of those arrangements I have already listed, and that is the cost of storage. That still applies very much to the holding of stocks for export over any period of time. The second involves a range of other forms of assistance, of which the most significant is what was initially to be a loan from the New Zealand Government to the dairy industry under the supplementary minimum price scheme, involving several hundred million dollars, but which was converted by the New Zealand Government to a grant. To say that because that supplementary

minimum price scheme has been terminated and the loan has been converted to a grant it ceases to have any beneficial flow-on effect for the dairy industry of New Zealand is quite incorrect because anybody who has had any sort of loan converted to a grant, especially of that magnitude, would know what it has meant in terms of additional cash flow ability as well as additional investment capacity provided to the industry.

While the coalition parties support the legislation, as it is a step in the right direction, the Government must take account of the concern still in the dairy industry about the trading practices of our export competing nations. It must also take into account the legitimate concern of the Australian dairy industry about closer economic relations with New Zealand.

Mr HOLLIS (Throsby) (8.39)—I am pleased to speak on the Dairy Produce Amendment Bill.

Mr McGauran—The dairy farmers don't think much of you. You sold them out.

Mr HOLLIS—When I saw the list of speakers—

Mr McGauran—What about the Kerin plan? Do you remember what it did?

Mr DEPUTY SPEAKER (Mr Leo McLeay)—Order! If the honourable member for Gippsland continues to interject, he will end up doing it outside.

Mr HOLLIS—I do not want to respond to the honourable member for Gippsland, but I must say that prior to the last election I circulated two of his speeches to every dairy farmer in my electorate, and that is why I got an increased majority. They all voted for me. As I was saying, Mr Deputy Speaker, when I saw the list of speakers on this legislation this evening I was a little worried because I saw—

Mr McGauran—Because you don't know anything about dairying.

Mr DEPUTY SPEAKER—Order! I warn the honourable member for Gippsland.

Mr HOLLIS—I saw quite a few Victorian members listed to speak, but I was relieved to see my friend and colleague the honourable member for Eden-Monaro (Mr Snow) here to represent the New South Wales farmers, as he does so excellently. He will support me in this debate, as will my friend and colleague the honourable member for Macarthur (Mr Martin), in whose electorate is Camden, which was the birthplace of the Australian dairy industry.

Mr Martin—But they do not vote for me!

Mr HOLLIS—Well, you will have to work on them, my friend. I am particularly pleased to speak on the Dairy Produce Amendment Bill. There is not much disagreement between the two sides of the House on this issue. I agree entirely with much of the speech of the honourable member for Murray (Mr Lloyd). I also share his concerns about the threat from New Zealand produce. I may be in a minority of one or two in this place, but I believe that the greatest threat to the Australian dairy industry comes from our friends across the Tasman. As I said, there is not much disagreement on this Bill and I would like to take this opportunity to share a few of my concerns about the dairy industry, which is of great importance to the electorate of Throsby.

The purpose of this amending Bill is to establish a commercially based penalty system for traders exporting dairy produce under the relevant minimum prices specified by the General Agreement on Tariffs and Trade (GATT)—that is, the international dairy agreement. The principal Act, *inter alia*, established the Australian Dairy Corporation and provided it with export control powers. It recognises the Australian commitment to the international dairy agreement, established under GATT, and provides a basis for fulfilling the Government's commitment to minimum prices which are set under the agreement. The main objective of the agreement is to expand and liberalise world trade in dairy produce under as stable market conditions as possible on the basis of mutual benefit to exporting and importing countries.

The dairy industry is in favour of the proposed changes because they bring Australian legislation more into line with enforcements applicable to other international dairy arrangement participants. I am sure that the honourable member for Eden-Monaro would agree with me that there is a lot of uncertainty in the New South Wales dairy industry. While the major part of the Victorian industry is supportive of reaching agreement over interstate liquid milk movements, a couple of smaller Victorian processors, with a minimum capacity for supply and a maximum capacity for disruption, are making noises aimed at upsetting orderly marketing processes, against the intention of almost every dairyman in the country and, of course, against the intention of the Kerin scheme.

It is essential that the States get their act together in order to combat the eventual larger threat—that of New Zealand, under a broader closer economic relations agreement. If we are

unable to eliminate interstate differences, how can we hope to compete with New Zealand, which sees Australia as its natural market? That is a fact that I have raised in this House many times. The Kerin scheme provides a mechanism for orderly marketing and income distribution within the industry which ensures the best long term interests of consumers and producers alike. It is up to all processors, large and small, and to all industry sectors to support the mechanism and to ensure that others who may be faltering are convinced of the benefits of their support.

Another threat seen is that of control of the processing sector being transferred to centralised corporate bodies rather than traditional co-operative control. Some argue that Industrial Equity Ltd's Southern Farmers group is likely to gain control of the United Dairies Ltd group in New South Wales and is also looking at Queensland United Farmers in Queensland. If successful, Southern Farmers will control approximately one-third of the nation's packaged milk distribution. Mr Brierley's stated purpose for getting into these areas is to be in a position to take advantage of profits he sees as being available to the processing sector under deregulation.

For the benefit of both consumers and producers, we should all be working to ensure that the type of deregulation referred to does not take place and support for the Kerin scheme and the prevention of sniping at liquid milk markets across State boundaries are seen as part of this. Even closer economic relations with New Zealand, as discussed by the Prime Minister (Mr Hawke), and the New Zealand Prime Minister, Mr Lange, can do much for the New Zealand economy but, I suggest, can do little for the Australian economy. Australia and New Zealand share a common problem—dependence on rural exports. Combining these problems is to create a bigger problem. New Zealand's heavy dependence on rural exports has motivated it to do more than Australia in developing overseas markets and the skills to service these markets. If by joining with New Zealand Australian rural industries can make use of these markets and skills, then there could be a plus in the closer alliance. However, many of the signals coming out of New Zealand suggest that it simply sees Australia as another export market to which it would like free and open access for the benefit of its rural industries. This being so, its skills would be used against Australian rural industries.

The dairy industry is a major contributor to New Zealand's export income. As such, it has

enjoyed preferred treatment for many years. One of its big hidden benefits has been that it retained access to markets in England and Europe when England joined the European Economic Community. Australia's dairy industry was thrown out. The New Zealand Government has fostered the development of the New Zealand Dairy Board and given it big powers as a trader and marketer of dairy products. The Australian Dairy Corporation is far more restricted in what it is permitted to do and is in no position to match the New Zealand Dairy Board.

So as to maintain some balance in the push for closer economic relations with New Zealand, the Australian dairy industry has set up a memorandum of understanding as a rider to the closer economic relations agreement. This is what the honourable member for Murray was referring to. This memorandum of understanding has been agreed to by both the New Zealand and Australian dairy industries. The basis of the memorandum of understanding is that Australia will not take action in international markets which could damage New Zealand's interests. In turn, New Zealand agrees not to damage the Australian industry's domestic market. The Australian dairy industry will be watching the moves towards even closer economic relations with New Zealand to ensure that the memorandum of understanding is not endangered and to avoid a situation where the New Zealand dairy industry could use its preferred position with its Government and in the international market to endanger the livelihood of Australian farmers and dairy industry workers.

The dairy industry, especially in New South Wales, has changed and has taken up new challenges. I hope that it will do a little more in Victoria, but I admit that even more must be done. I believe that trade with Asia can be greatly improved. Perhaps there is an argument that there should be more government help. I believe that some products, such as those with a short shelflife, could be exported to Asia if more help were given to setting up refrigeration in the distribution points within Asia. I think we should help set these up. Of course, we have to liaise with Qantas Airways Ltd about cargo. As I have said before in this House, Qantas has to lift its act, not only in passenger business but also in freighting products out of Australia. Talking about Qantas, I was absolutely staggered when I was travelling first class on a Qantas flight from Hong Kong to Sydney four weeks ago and I was served Danish butter.

Mr Peter Fisher—Shame!

Mr HOLLIS—As the honourable member for Mallee says, it is a shame. I have written to Qantas about this because every national airline in the world is used as a selling point for the produce of that country. We get Australian wines and Australian this and that on Qantas. What else do we get? We get Danish butter. I thought that was absolutely staggering, and I have taken it up with Qantas. That is why I say that Qantas has to lift its act. The least Qantas can do is to serve Australian butter.

Mr Hand—Why do you hate Qantas?

Mr HOLLIS—I am pleased that the Minister at the table is my friend the honourable member for Melbourne, who is a great supporter of the workers in the dairy industry. He actually told me tonight that he has a dairy farm in his electorate of Melbourne. Who am I to argue with that?

The Australian dairy industry will meet the challenges that are put up to it. The Australian dairy industry can compete on a fair basis, be it among States or countries. Our dairy industry is far too important to let it just slip by. I pay particular tribute to the leaders of the industry in New South Wales. I welcome this opportunity to share some of my views on this important topic, and I commend the Bill to the House.

Mr HAWKER (Wannon) (8.51)—I listened with great interest to the speech by the honourable member for Throsby (Mr Hollis). I was particularly taken by his comparisons between New South Wales and Victoria. I do not think he would like us to draw too many comparisons, to look into it in too much detail, because it could be rather embarrassing since he wants to support his State. I was also rather interested that he kept using the words 'fair competition'. Again, I think my same remarks would be appropriate. He seems to be very critical of people who are trying to improve marketing in the dairy industry. If by doing that they happen to amalgamate a few butter manufacturing plants, he seems to think there must be something wrong. I can tell him one good bit of news about Qantas Airways Ltd. I am a bit critical of Qantas in other ways, too. But Qantas is now using cheese that is made in my electorate. It is a very high quality cheese and one of which the people in my electorate are very proud.

My electorate is one of the major dairying electorates in Australia and it is one of which I am proud because the dairy farmers in my area are some of the most innovative I have seen anywhere. I have just cited the example of the cheese going to Qantas. The person who is mak-

ing and marketing that cheese is a dairy farmer who felt that he was not doing well enough out of dairying alone and so expanded into cheese. That shows the sort of initiative that can and should be encouraged.

As has been already pointed out by the honourable member for Murray (Mr Lloyd), the Opposition supports the Dairy Produce Amendment Bill. It certainly makes a lot of sense in light of the problems facing the International Dairy Arrangement (IDA) which was set up under the General Agreement on Tariffs and Trade back in 1980. It has proved very difficult to get all countries to stick with the agreement because of the problems of oversupply in the world dairy market. As has been the case on so many occasions over many decades, the international dairy market has become a dumping ground again and, as has been pointed out already, the worst offenders are those countries of the European Economic Community (EEC). I will come to that in a bit more detail in a minute.

The problem facing Australia is that we have been the honest fools, as the honourable member for Murray put it. We have been the only ones who have tried to stick with the International Dairy Arrangement when other countries have either ignored it or subverted it in ways that are probably a little less obvious but which nonetheless have allowed them to get around it. The difficulty we then face is that, if we are going to let this happen and see our exporters being penalised for sticking to the letter of the law when other marketers do not, we really will be cutting off our nose to spite our face. Obviously, it is rather difficult trading in the international dairy market at the moment and we have to look at the practical reality that, if we are to sell our product overseas, we have in some way to meet the market. If that means that we are matching others, I suppose we cannot be very proud of ourselves. But, equally, we should still try to maintain our markets and take all reasonable steps to do so.

Equally, this Bill makes sure that those who do decide to breach the International Dairy Arrangement do so on the understanding that they are breaking a commercial arrangement. Rather than facing a criminal punishment, they will face a commercial penalty, which could be quite serious. That does make it a little more reasonable in the face of what the competition is doing to our dairy industry. As I have mentioned, the International Dairy Arrangement was brought into place in 1980 after many years of negotia-

tion. It has been extended until the end of 1988. The objects of the agreement were very honourable. They sought the expansion and greater liberalisation of world trade in dairy products under market conditions as stable as possible on the basis of mutual benefit to exporting and importing countries. The other objective was to further the economic and social development of developing countries. They were admirable aims and the sort of thing that I think we all support. But in the real world, unfortunately, the ideal often seems to get lost in the rush to try to grab a market no matter what the price.

There are a number of members of the International Dairy Arrangement—in fact nearly 20, although, interestingly, the United States of America withdrew in February 1985. Although members of the EEC are still members, they are the worst offenders when it comes to ignoring the arrangements agreed to under the International Dairy Arrangement.

One of the things I want to mention, and which other speakers have mentioned, is the arrangement for dairy products under the closer economic relations (CER) agreement with New Zealand. It was very disturbing to read in the *Bulletin* last week that, in the discussions that the Prime Minister (Mr Hawke) had with the Prime Minister of New Zealand, Mr Lange, there was some discussion, according to this report, about the future of an oil refinery in New Zealand and the prospect of trading off the protection that is currently afforded to that oil refinery by the New Zealand Government in return for doing away with our dairy industry agreement. I found that of great concern. It may be that this report is inaccurate. But, in his address to the chamber two days ago, the Prime Minister did not really throw much light on it. In fact the only quote I could find in quite a long speech was when he said:

Pleasing progress has been made in eliminating exports subsidies and incentives on goods traded between Australia and New Zealand . . .

That sounds good in a broad sort of statement. But, if we get down to the detail of it, I think we ought to be looking very closely at comparing the New Zealand dairy industry with the Australian dairy industry because there are some major differences. As the honourable member for Murray has pointed out, the New Zealanders have been offered some very real advantages if we compare the economic background of the two industries. The answer that the Prime Minister gave to the honourable member for Murray on Tuesday, when he was asked a question about

CER, and in particular what effect it would have on the dairying arrangement, was:

On the particular question of dairying, let me say that the position we have put to the New Zealanders, to which they are agreeable, is that that is covered, as was indicated by the honourable member, by a memorandum of understanding. We regard it as appropriate that the discussions on the issue of dairying should be conducted between the two industry associations.

No one would argue with that. It is fine. But it is of great concern when one matches up that statement with the statement that there is an intention to have free trade by 1990. That would seriously disadvantage the Australian dairy industry; I want to point out why. Over recent years, a very real advantage has been offered to the New Zealand dairy industry by its Government. To put the two industries suddenly on an equal footing with free trade would unfairly disadvantage the Australian dairy industry.

I will point out some of the reasons. The first, which has been pointed out, is that New Zealand still receives preferential treatment in exporting butter to the EEC. In fact it can still export 78,000 tonnes of butter to the EEC at a very favourable price—far and away above what is currently the world market price for butter, which makes it certainly very profitable. The money from this is pooled. It has been estimated that it is worth about \$8,000 to each dairy farmer in New Zealand. That is not a bad advantage to start off with.

Let us look at the other advantages. There is the advantage that the New Zealand Government assists with the cost of the storage of butter. Another is that New Zealand's dairy co-operatives have had a favourable tax situation; in fact they have not had to pay any tax. This has led to the co-operatives using those tax exempt earnings to help purchase equipment for dairy farmers. So rather than paying out a dividend which would, of course, be taxable in the hands of dairy farmers, they have assisted them by buying various pieces of equipment to help them offset the costs of being in the game of farming.

I now turn to another point. For many years the New Zealand Government has offered to dairy farmers loans at the interest rate of one per cent. That is terrific; anyone who could obtain a loan like that would be laughing. But that has been the case. Recently the New Zealand Government decided it wanted to get rid of that system, so it wrote off \$600m of low interest loans and said, 'Okay, we will forget those and give an advantage to the industry'.

For all those reasons the New Zealand dairy farmer has had much more favourable treatment from this government than has the Australian dairy farmer. If we are to talk about freeing up the trade, we ought to put all the facts on the table and look closely at the memorandum of understanding which has served the industry well. It should not be got rid of without seriously looking at the resulting impact because the dairy industries in these two countries have had different incentives offered to them over the past few years.

The Minister for Primary Industries and Energy (Mr Kerin) put it very well on 23 August when he was interviewed on the *Sunday* show. He was asked about deregulation, particularly of milk. The Minister responded in a sensible way by saying:

The present plan that's in place will bring down the level of protection, bring down the sort of . . . support payments we had in the past to a level whereby we can be able to withstand all import competition and it will be in a lot better shape.

And this is the key point:

But you can't do that quickly.

So when the Prime Minister talks about free trade by 1990, he is ignoring reality; he is ignoring the time it takes for industries to adjust. I quote the Minister for Primary Industries and Energy again:

But you can't do that quickly. Just simply, thousands of farmers would go broke, and country towns with them.

That is a fairly astute observation and shows that the Minister realises the impact that would occur if the market between Australia and New Zealand were suddenly freed up. I suggest that when the Prime Minister decides to go back to New Zealand in the latter half of next year, he ought to remember those words; otherwise many dairy farmers could go broke and he will have to carry the can for that.

Australia's problem with the International Dairy Arrangement has been a difficult one to resolve. On the one hand we want to be seen to be playing the game. We want to be seen to be meeting the obligations that we said we would undertake under IDA. But the fact is we have been the only country that has been prepared to institute criminal penalties for exporters who broke that code. Obviously that was an unreasonable thing to do. The proposed legislation will bring in commercial penalties which are much more realistic in the light of what other countries are doing. But it does not alter the fact that countries such as those in the European Community (EC) are really thumbing their noses

at the IDA, even though they are still signatories to it.

To give the House an idea of the scale to which they have breached it, I quote from the annual report of the Department of Trade for 1985-86 which states that in:

... 1984 the EC breached the minimum price for butter in a large sale to the USSR. Following the EC breach, on 31 May 1985 the IDA agreed to a derogation (in effect usable only by the EEC) for the period to 31 December 1986 for sales of large quantities of old butter/butter oil below the IDA minimum. The derogation included provisions to protect the trade of other exporters including Australia.

This is the key point:

The existence of the derogation impeded sales to the USSR. It was not until 1986 that the EC was able to make a sale of 100,000 tonnes of old butter to the USSR for delivery in December 1986. That sale included an option for an additional 50,000 tonnes.

So it was a big sale. Of course, with that depressing the market, it affected all exports and all those who were trying to trade in the international dairying market. The proposed legislation corrects an unfair penalty that has been imposed on Australian traders. It is a very difficult market for those trying to trade in it at the moment because of oversupply. We still have IDA, although the Americans have now withdrawn from it. They keep saying they do not want to hurt us, but in the reality of the market-place it is hard to say that a particular ally or exporter will not be picked off, because by depressing the market that is done to everyone.

With that in mind, this Bill brings a much more realistic attitude towards those who have breached IDA. Nonetheless, it does not alter the fact that those who are trying to trade internationally in dairy products are facing a very difficult situation and could continue to do so for some time. Despite all those difficulties, the Australian dairy industry is proud of the fact that it can still earn \$500m in export income, and under existing difficult trading conditions that is no mean feat.

Mr SNOW (Eden-Monaro) (9.06)—The Dairy Produce Amendment Bill 1987 substitutes economic penalties for criminal penalties for breaches of the International Dairy Arrangement (IDA) through exports. Under that arrangement the Government intends to encourage the expansion of exports as well as the liberalisation of exports in world trade for dairy products. For that reason, the arrangement has been very useful to Australian dairy farmers. Traders are required to stick to the IDA minimum prices generally. At present there are pen-

alties which, for example, are as high as two years imprisonment in addition to the suspension or cancellation of an offending trader's licence. Under the legislation, if the exporter breaches the minimum price and fails to pay the Australian Dairy Corporation difference between the minimum and the actual sale price, the Corporation may suspend or cancel the exporter's licence. As the honourable member for Murray (Mr Lloyd) said, this is a severe enough penalty.

If Australia is disadvantaged on the world market the Minister can authorise the Corporation to trade below the IDA minimum prices under certain circumstances.

The Australian dairy industry is very dependent on exports as well as Australian sales. The Kerin plan advantages all Australian dairy farmers by providing export payments which were financed by an all milk levy. I recall there being a lot of scepticism when the Kerin plan was talked about. There was much scepticism about its application to market milk as well as manufacturing milk going into cheese and other dairy products; but the plan has worked. Honourable members should make no mistake. If we lose the Kerin plan, every dairy farmer throughout Australia will be disadvantaged. The plan underpins manufacturing milk prices and market milk prices. If it goes, manufacturing milk prices will drop, market milk prices will drop and there will be no stopping interstate trade.

I know there is a tendency in areas such as Western Australia and northern Queensland to think that they can be insulated from the remainder of Australia. They say, 'Let Victoria and New South Wales fight it out; they are far enough away from northern Queensland and Western Australia to be ignored'. I point out to dairy farmers in those areas that there are ways in which they will be hurt by the dropping of the Kerin plan. For instance, UHT milk has a quality which is improving all the time. It is packaged for long life and it can be sent into those areas. At the moment it is about the same price as fresh milk. But if there were open slather in the markets in Victoria and New South Wales if the Kerin plan failed and there was no all milk levy to stabilise prices and to give the signals to dairy farmers, Victoria could easily cut the price of UHT and could send it to Townsville, Cairns or Perth at even half the present price. With the quality of UHT getting better and better, UHT milk would be getting closer to resembling fresh milk as we have it now. This would drastically affect the price of locally produced market milk in Western Australia and

north Queensland. So Victoria and New South Wales are not the only ones that will have much to lose by the changed system.

The honourable member for Throsby (Mr Hollis) rightly mentioned the problems in relation to Victorian trading in New South Wales. It was great to see the Victorian Government recognise that and act decisively on Midland Milk Pty Ltd sales to Jewel Food Stores Pty Ltd, for instance, from Victoria. Its action has been vindicated. It is interesting to those who purchased Midland milk from Jewels. They ought to look at what happened in Victoria just recently. The Melbourne *Sun* of 25 November points out how, in the Shepparton Magistrates Court, Midland Milk pleaded guilty to seven charges of underpackaging milk and fruit juices.

Mr Hollis—It was contaminated as well.

Mr SNOW—Contaminated as well, my colleague says. The magistrate, Mr Gregory Levine, gave Midland a one-year good behaviour bond and ordered the company to pay \$1,000. The court heard that an inspector of weights and measures who had randomly tested products packed by Midland between 29 August and 10 September last year had found underweight milk and juice containers. The deficiencies varied between a teaspoonful in a 250-millilitre orange juice container to 17.25 millilitres in a one-litre Skinny Milk carton. Prosecuting solicitor Mr Richard Desmond said that although the amounts were small, they represented a significant gain in product to Midland, which had a daily production of 58,000 containers of fruit juice and 35,500 containers of milk. The defending counsel, Mr Max Cashmore, blamed the shortages on filling difficulties and product density standards for sealed milk cartons. He said that the company had not deliberately deceived the public and he emphasised Midland's 33-year history of conviction-free trading.

It was also reported in the Shepparton Magistrate's Court that documents had been falsified by the Shepparton milk processor to avoid paying more than \$80,000 to the Victorian Dairy Industry Authority (VDIA). The court was told that the accountant had supplied false delivery dockets to a VDIA officer during an audit at Midland Milk's Shepparton factory on 19 January. The accountant pleaded not guilty to a charge of supplying false information to the officer. He was found guilty and placed on a six-month good behaviour bond. The Queen's Counsel representing the authority told the court that the accountant had supplied Mr Rowe, the officer, with processor returns which detailed a de-

livery of 200,000 litres of milk to an Albury factory, Haberfields, during November and December last year. Further investigations by authority officers revealed that Midland had not made deliveries to Haberfields during those two months. Consequently, the Midland delivery dockets were misleading. I have not seen a reference to contamination, but it is very definite that misleading information was given to the VDIA, and very definite that there was underpackaging of milk by that firm.

The fact that that action has been taken in Victoria is welcomed. I also welcome the decision of the Victorian Government to legislate requiring all processors, including Midlands, to go through the VDIA. I understand that yesterday no milk went from Midland to Jewels in Sydney, Canberra or Queanbeyan. This is welcome. It is welcomed by dairy farmers right through the south coast of New South Wales, from Jamberoo, where the honourable member for Throsby lives, and knows and works with dairy farmers, through to Bega. I must pay tribute to the honourable member for McMillan (Mr Cunningham). He is not only a dairy farmer himself—

Mr McGauran—He has not dairy farmed for 10 years.

Mr SNOW—He has certainly managed a dairy farm in very recent history. He has also worked closely with dairy farmers in his own area. The honourable member for McMillan was a major force in the last Parliament as Chairman of the Prime Minister's country task force and as chairman of the Government's primary industry and rural and provincial affairs committee in the introduction of the Kerin plan. He was a great negotiator. He represented dairy farmers in his own area, and he represented dairy farmers in the whole of Australia because he knew what was good for the whole of Australia.

Mr Hollis—He disagreed with you and me on what that was.

Mr SNOW—We were all involved in the debate. I acknowledge what the honourable member for Throsby says. We must concede that the honourable member for McMillan played a major role in the success that we see now in the Kerin plan.

This week we have seen negotiations between Victoria and New South Wales on when the supply from Victoria to New South Wales will start—there has been some agreement—and how it is to start. Possibly there will be a supply of about 2 per cent of the New South Wales mar-

ket in December. It may well rise to as much as 5 per cent—as long as Midland and that sort of organisation stop the rot and as long as the Victorian Premier, John Cain, and the whole Government take the decisive action that they have taken. There are indications that that decisive action by Victoria is having some effect.

We have had quite an eventful few weeks in the dairy industry, but I believe that they will lead to improvement in the industry not only in Victoria and New South Wales but in all the other States. I know that the Bega dairy farmers, with whom I have worked a lot, in the Bodalla and Tilba areas and getting up towards Milton, which adjoins the electorate of the honourable member for Throsby, have kept in constant touch with the honourable member for Throsby and me in order to see that they are properly represented in the Government's policy decisions. I am pleased to support the legislation.

Mr McGAURAN (Gippsland) (9.17)—I cannot allow all of the comments of the honourable member for Eden-Monaro (Mr Snow) to go unchallenged. The first lie I want to put to rest—

Madam DEPUTY SPEAKER (Mrs Darling)—Order! The honourable member for Gippsland has used an unparliamentary expression. I ask him not to do so.

Mr McGAURAN—The first thing I wish to do is to put to rest once and for all the unbridled praise that Government members have for the so-called Kerin plan. The Kerin plan is a misnomer. It is not a Kerin plan. The legislation that the Government put up, in its original form, bears little resemblance to what is in place now, and that is due entirely to the Opposition's efforts. For week after week, Opposition members suffered the taunts of the Government but attracted the unqualified support of the Australia-wide dairy industry in forcing amendments on the Government. What we have in place now is a fairly rational ordered system which will allow gradual adjustment with the minimum amount of disruption to the industry. That is a very different thing from what was first proposed by the Kerin plan. It is a complete falsehood for any Government member to praise the so-called Kerin plan as the Government's original creation. The opposite is true. The industry knows that that is true, as do dairy farmers.

The second matter that the honourable member for Eden-Monaro laboured, as did the honourable member for Throsby (Mr Hollis), was the question of Midland Milk Pty Ltd. We know that the Midland Milk company, based in Shep-

parton, has been shipping fresh milk under contract to Jewel Food Stores Pty Ltd supermarkets in Sydney, and that that has caused tremendous friction and a near breakdown of orderly trade and marketing in the Victorian and New South Wales industries.

Mr Hollis—It is outrageous.

Mr McGAURAN—It is outrageous—as the honourable member for Throsby and the honourable member for Eden-Monaro sought to stress. I certainly do not disagree with that. I do not intend to defend Midland Milk. Quite frankly, it is a rebel outfit within the Victorian industry which almost has the power to bring that industry—and probably the New South Wales industry—to its knees. There is an important factor which neither Government member touched on, and that is that the son-in-law of the Premier of Victoria is a secretary to that company. Unlike the honourable member for Eden-Monaro, who alleged that that company was fraudulent and used illegal practices, I make no such allegations against any individual, except to say that the Premier of Victoria must abide by the legal dictum that justice not only be done but that it be seen to be done.

As long as the Premier fails to rein in the mavericks and the rebels of Midland Milk, there will always be lingering resentment. More than that, there will be doubt and suspicion that he has turned a blind eye to the illegal practices of that company. It is incumbent upon any member of this Parliament, particularly those on the Government benches from New South Wales who seize upon the practices and activities of Midland Milk to slur unjustly and unfairly the whole of the Victorian industry, to make the point that there could well be a Australian Labor Party involvement in that company. I take the matter no further than that, except to say that it is incumbent upon the Victorian Labor Government to be at arm's length from Midland Milk. I will return to Midland Milk very shortly.

Honourable members will know that it has been a tumultuous few years for the Australian dairy industry. Whilst no dairy farmer anywhere in Australia has not suffered some economic loss, it is true to say that the loss of income has been more severely felt by Victorian dairy farmers and by some in New South Wales. Whilst I am anxious to avoid a conflict with my colleague and friend the honourable member for Murray and Deputy Leader of the National Party of Australia (Mr Lloyd), I cannot allow the claim which he made earlier in this debate, that he represents Australia's largest dairying electorate,

to go unchallenged. He is not far wrong. The honourable member for Murray represents a very large dairying electorate—perhaps it is the second largest—but the inescapable fact is that my electorate of Gippsland is the single most important sector of the Australian dairy industry. Whether it be Cann River and Orbost in the east of Gippsland, the Maffra irrigation district or the south Gippsland line, Gippsland dairy farmers have no peers. They are simply the most efficient in Australia.

Even so, Gippsland dairy farmers have struggled under this Labor Administration and, sadly, too many have lost that struggle. Time and again I have seen dairy farmers forced to leave the farms into which they have poured so much hard work. Thankfully, a rise in prices in the international market has alleviated some of the more immediate problems of Gippsland and Victorian dairy farmers.

Mr Peter Fisher—Now the Government has put on an assets test.

Mr McGAURAN—As the honourable member for Mallee says, the Government has put on an assets test for people applying for the unemployment benefit. This must be one of the most cruel impositions of this Government in its four or five years of administration. As the assets test now applies, if the wife—or in some cases the husband—of a dairy farmer who is working off the farm, loses her job and returns to the farm she is unable, despite satisfying every other criterion, to obtain the unemployment benefit because she resides on a farm which does not produce sufficient income to live on but which does have a capital value. The assets test, the capital gains tax and the fringe benefits tax all weaken severely the incentive to invest and the concept of capital in this country. That is a tremendously cruel and harsh dictate by this Government.

Over a period we are seeing the family farm fade away and it is fading away because the value of capital investment is continually being weakened by capital taxes. Applying the assets test to dairy farmers' wives who apply for the unemployment benefit is just the latest example of that. For heaven's sake, if there is any area in Australia at large, including Victoria, which has suffered more than the Mallee area I would like to hear about it. Life has been tremendously hard and a great many people are walking off their land.

Mr Peter Fisher—After four generations.

Mr McGAURAN—After four generations, family farms have been lost. It is heartbreaking

to visit that area. Only a couple of weeks ago I visited the Eyre Peninsula and saw wheat farms and sheep farms that are no longer able to provide even a subsistence living.

The rural crisis seems to have passed us by. We do not hear about it any more. It seems to have been a trendy issue that has been lost; it no longer captivates the attention of this Parliament. Yet people in many parts of Australia still cannot survive because of weather conditions, international markets or, more importantly—this comes within the province of the State or Federal governments—the domestic cost burden. When will this Government recognise its responsibilities to alleviate cost burdens, such as the transport cost burden, grain handling costs and other costs which, Madam Deputy Speaker, if I dwell on too much you will certainly bring me back to the legislation at hand? Unless the Government addresses the fundamental concerns on which I have touched—Madam Deputy Speaker, you have been gracious enough to allow me to raise them this evening—the respite which the dairy industry is presently enjoying will be very shortlived.

A number of other problems are afflicting the dairy industry which the Government must address; otherwise it is courting disaster in the future. The first is to establish an eastern seaboard fresh milk pool. As long as Victorian producers are deprived of an outlet for their fresh milk in other States, there will be the risk of an outright milk war. Naturally, I agree with the need for orderly marketing between States. The historical development of the different State milk industries cannot be overturned overnight and we cannot correct the wrongs of many years so quickly. But, even allowing for this and all of the patience and tolerance this demands of Victorian dairy farmers, I am bound to say that the present system continues to discriminate against Gippsland and Victorian dairy farmers.

Madam Deputy Speaker, you would be aware that, following long and fairly tortuous negotiations over several months, the Victorian and New South Wales State governments and their respective dairy industries have reached agreement on a market share for Victorian fresh milk in Sydney and New South Wales at large. Under that agreement Victoria will increase its present share, which is roughly one per cent of the fresh milk market, to about 3 per cent from 1 December 1987 and this amount will increase gradually to 5 per cent by 1 December 1989. A precondition of that, and one which the Victorian dairy industry happily accepts, is that Midland Milk

stops supplying Sydney. That is why it is so important to future arrangements and to the future survivability of Victorian dairy farmers that Midland Milk be reined in. There is every sign, despite all of the accusations thrown at Midland Milk by Labor members tonight, that the Victorian Labor Party is washing its hands of the whole mess.

For the time being, calmness has returned to the industry; but for the Government to ignore and to put to one side the obvious looming problems consigns the industry to further turmoil or, at the very least, uncertainty as far as one can see into the future. A milk war between the States would destroy the livelihoods of thousands of dairy farmers and would have all of the resultant effects on their families and the communities in which they live. Good sense has prevailed until now and I am sure that honourable members join me in expressing the hope that balanced and rational decisions will continue to be made by the industry at large.

The dairy industry faces a number of other problems—time does not allow me to address them completely this evening—which the Government has not even begun to look at, let alone to put forward solutions. I refer for example—this matter was touched on by the honourable member for Murray as well as the honourable member for Wannon (Mr Hawker)—to the closer economic relations with New Zealand. Surely that must be the most worrying aspect of the future of the dairying industry in Victoria and Australia. What is the Government doing about that? When the Prime Minister (Mr Hawke) went to New Zealand he did a lot of fishing and played a lot of golf. Does he do anything else when he goes overseas? He did not do much consulting with the rural producing authorities of this country before he left. The National Farmers Federation (NFF) complained that he did not consult it. It appears that he entered into some sort of agreement—we do not know what because he will not tell us—with the New Zealand Government. It is absolutely critical; he did not consult the NFF before he left and has not briefed it on his return. We wait with bated breath for the result, if any—in between all those social engagements one wonders whether the Prime Minister had sufficient time for negotiations—of those negotiations.

In conclusion, I cannot stress strongly enough the importance of the dairy industry and, for that matter, rural industries further afield for Australia's economic well-being. At a time of

critical downturn in our balance of payments, the significant export component of the Australian dairy industry, based mainly in Victoria, is very important. This Government has to seek out new markets, as the honourable member for Throsby touched on in his speech and, as it is within its immediate authority and power, lift so much of the depressing, disincentive taxes and government charges. The National and Liberal parties support this legislation. We take the opportunity, however, to shake the Government out of its complacency about the dairy industry.

Mr CUNNINGHAM (McMillan) (9.32)—After listening to the honourable member for Gippsland (Mr McGauran), I have to make a few comments about the dairy industry. The honourable member for Gippsland represents an electorate neighbouring mine. It is a tragedy for those farmers in that area that they should happen to get a National Party of Australia representative; a solicitor who joined the Party on Friday, was endorsed on Sunday and comes in here on Monday pretending he knows everything about the rural industries. He would not know the first thing about the rural sector; one has only to listen to his speeches to realise that.

I welcome the remarks from the honourable member for Eden-Monaro (Mr Snow) who made a very good speech about the position the Government has taken in relation to the dairy industry with the Kerin plan and the work that went into developing it. It is certainly the basis on which the dairy industry will build its future. It is certainly the plan that is required in many areas in the export markets as we face up to the competition with and from New Zealand which will occur at some time in the future. Whether or not we want to see it happen—it will happen.

I want to make a couple of points about the Kerin plan and what the honourable member for Gippsland said about it. He said that it was not this Government that introduced the Kerin plan, that it was something to do with the Opposition which actually stalled the plan for 12 months while it fought to get two very minor amendments passed that did absolutely nothing for the legislation or the outcome of it. It cost Victorian producers \$9m because the Opposition stalled the legislation to stop the levy being collected in the lucrative milk States. In Sydney, Brisbane, Adelaide and Perth the levy system did not work. So \$9m which could have been transferred to the export sector was denied to Victoria. The honourable member for Gippsland, who claims that he represents the largest dairy-

ing area in Australia, denied his own people \$9m in levy funds. So his record is not very good.

The Dairy Produce Amendment Bill will change the structure of penalties imposed on people who are dealing on the world market. While it is an important change it is imperative to the future of the industry. It is only recently that I was able to make a detailed study of this industry in Europe, in the United Kingdom and in Ireland. I can assure honourable members that drastic changes are taking place in Europe in the dairying industry which will have a big bearing on the future of the Australian industry. We will have great opportunities, I believe, within two years to sell a lot of products on the world markets because of many problems that are developing in the industry in Europe. I would like to bring to the attention of the House the nature of the problems in Europe. The industry works on a system of high subsidies which distort the decision making of the producers. The subsidies distort the inputs and create an unnecessary climate in relation to input costs. It is a very high cost structured industry. The use of fertiliser is having an impact on that industry. Three years ago when I was in that part of the world on a very similar study tour the farmers were using nitrogen on their farms at a rate that was alarming. Anyone who knows anything about farming knows that when farmers start fighting and distorting nature it is not long before nature catches up with them and brings them back to sensible practices.

Because the farmers have been using nitrogen so heavily they have created the most magnificent growing conditions. The place is beautiful to see in summer. Within days rye grass grows 12 inches. The nitrogen is destroying the base of legumes in the soil. There is no fixation of nitrogen naturally from the sun into the soils and the farmers are being forced to increase the amounts of nitrogens they put in the soil each year. This year they used five doses of nitrogen over the summer; three years ago they used three doses; and in two years time it will be seven doses. The problem is so serious that some of the local governments are stopping farmers returning to their soil the very fertilisers they produce in their sheds over the winter period. The water supply throughout those countries is being ruined because of the surplus nitrogen seeping into it. The change that is going to take place in Europe—and it will also take place in the United States—will come about not because of economics but because of environmental pressures. Environmentalists and people who have genuine concern are starting to realise that if these farming prac-

tices continue there will be very serious problems in the future.

The distortion created by subsidies will be corrected by nature itself. Politicians in the European Economic Community and the United States do not have enough insides and get up and go to make the changes. I can assure honourable members that anyone with a bit of experience who knows what farming is about can see the warning signs quite clearly in Europe and in the United States. These problems will be rectified by nature itself. I believe that in two years' time Australia will be sitting in a very favourable position in the world producing high quality products at a very economic rate which will give golden opportunities for us to export on the world market. The dairy industry has a great future. The Kerin plan will give the industry the base to do just that. I am confident of the future for the dairy industry.

I fully support this legislation and the remarks made by my colleagues who have worked so hard for the development of the plan and the policies that have been adopted. The Government is very keen to see that all these industries have a golden opportunity now and in the next generation to develop exports. We will see the Australian dairy industry at the forefront. The honourable member for Gippsland can rest assured that his area which, I acknowledge and there is no doubt about it—is one of the best dairying areas in Australia as it has the best land and climatic conditions. It can look forward to a great future. The only problem is that it has as its member of parliament a solicitor who knows nothing about the industry.

Mr STAPLES (Jagajaga—Minister for Consumer Affairs) (9.39)—I could give a 20-minute round-up of the debate on the Dairy Produce Amendment Bill.

Mr Reith—You would know 20 minutes worth!

Mr STAPLES—I have a little background in this area. I thank the honourable members who have participated in the debate. I note that the Opposition does not oppose this Bill. I note, therefore, the full trilateral support, assuming that the National Party of Australia is now speaking as one again, for the Bill. I thank the honourable member for Murray (Mr Lloyd), the honourable member for Wannon (Mr Hawker), the honourable member for Throsby (Mr Hollis), the honourable member for Eden-Monaro (Mr Snow) and the honourable member for McMillan (Mr Cunningham) for their overall reasonable and valuable contributions.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Staples) read a third time.

ADJOURNMENT

Women's Cricket—Multiculturalism—Brisbane Airport—Mr Andrew Hay—Benambra Mining Project—Queensland Government—Food Standards—Human Rights

Motion (by Mr Staples) proposed:

That the House do now adjourn.

Mr McVEIGH (Groom) (9.40)—It is indeed my great privilege in speaking in the adjournment debate tonight to draw to the attention of the House a matter of unsurpassed sporting achievement evoking tremendous national pride. I am, of course, referring specifically to the achievements of Australia's own women's cricket team on its recent tour of Ireland and England which saw them capture two international cricketing titles in splendid style.

The tour was the longest ever undertaken by an Australian women's cricket team and marked the fiftieth anniversary of the first test between England and Australia. Throughout the two-month tour, the team succumbed to its opposition only on one occasion and, based on this record, brought back home with it the 'cream jug' as a worthy champion of the one-day cricketing series. Additionally, the team managed to wrest from the English the Peden-Archdale trophy which represents a further win in the test series between Australia and England.

Still more impressive than these championship victories, however, was the way in which this group of plucky young women seized upon the challenge and went about annihilating their opposition. On the way to Australia's momentous victories, the team shattered several national and international cricketing records. The international record breaking was initiated with the highest score ever hit in women's test cricket: a phenomenal 193 runs made by Denise Annetts in the second test. Ms Annetts was also ably supported in her bid to break this record by Lindsay Reeler whose role enabled the pair to chalk up a 309-run partnership, becoming the highest partnership stand in women's cricket. These fine performances, coupled with the dedicated and, I suspect, hungry approach adopted

by all team members, has shown this group of young women to be great ambassadors for both the sport generally and Australia more specifically.

It is indeed disappointing that these people, who do not share the professional status of their male counterparts, have returned home poorer after having to pay their own air fares and living expenses abroad. Currently in Australia there are approximately 6,000 women playing Australian Women's Cricket Council affiliated club cricket. This compares with half a million men, but the men are nowhere near as successful. In the year 1987-88, under the sports development program, \$150,000 will be allocated for men's cricket whilst only \$50,000 will be made available for the women. It has nothing to do with merit when we look at what we achieved internationally. This further illustrates the need for an injection of support at the club and national level as well as the international level.

For years women's cricket has had to endure humiliating and facetious comments from the media and fight for recognition by the male sporting fraternity. Now, however, the statistics prove that the tide has turned. On the wave of the aforementioned successes of the Australian women's cricket team, the media has accorded its overwhelming support to the game. In the light of this pronouncement, it is therefore high time that the Federal Government, led by a Prime Minister who boasts Australia's supremacy in the sporting arena and who constantly basks in the limelight of our successful sports men and women, took the appropriate steps to ensure that these great diplomats receive the support they need as well as the recognition they deserve in this male dominated game.

I say in conclusion that we often hear about people being effeminate. I ask the House to remember this: overarm bowling was introduced by women. Until then the norm was the Trevor Chappell approach of bowling underarm. The women, because of their big skirts, could not bowl underarm, so they invented overarm bowling. I just leave you with the thought, Mr Deputy Speaker. It is about time the men gave credit to the women for teaching them how to bowl a ball that swings, swerves or spins—the wrong'un and so on. That was the women's invention.

So let us be fair. If we are going to be fair dinkum, men who bowl overarm, in effect, can fittingly and properly be called effeminate because they are copying women. Women taught them how to bowl. I want to conclude with these few words of praise by acknowledging that

men are great bowlers only because women taught them the art of bowling, and unless the Australian cricket team improves—

Mr DEPUTY SPEAKER (Mr Leo McLeay)—Order! The honourable member's time has expired.

Mr CAMPBELL (Kalgoorlie) (9.45)—I rise tonight to grieve about some of the misapprehensions which I think society finds itself under. I want to talk about the dangers, as I see them, of multiculturalism. Multiculturalism probably stems from an inferiority complex as much as anything, from a belief that we in Australia do not have anything worth while. I believe that Australia is going to have to face the years ahead as a homogeneous country and that we are not going to be able to afford the luxury of the divisions which multiculturalism causes. We must not kid ourselves, as there is no doubt that it does cause some divisions in society.

One of the reasons is that when an ethnic group decides that it wants to maintain its culture, it maintains its culture in isolation. We then get the situation where, for example, today a group from Greece is preserving the culture of a Greece of 20, 30 or 40 years ago. As time goes on, the group gets progressively out of date—so much so that the aspirations of their children are quite clearly in line with contemporary Australia and not in line with the Greece, or whatever country it happens to be, of times gone by. We can clearly see this in Canada, where the French Canadian citizens speak a form of French which has been dead in France for 200 years. I think it is quite amusing to meet French Canadians, as I do, coming through Kalgoorlie and the goldfields, talking about being French. They are, of course, nothing of the sort.

As we approach our Bicentennial, I think the Australian attitude is going to harden and there is going to be a much greater demand from the Australian public for people to become Australian. I think this will lead governments to cut down on the funding of multicultural groups. I must say that no other country in the world does this.

I want to grieve tonight particularly about one aspect of this, which I call the Americanisation of our children. Not only is every second primary school age child convinced that Australia is run by a President and that people die only if they are shot, but we are now seeing the introduction in Australia of American customs. I refer, of course, to trick or treating, the Halloween habit of the Americans.

Mr Lavarch—Disgraceful!

Mr CAMPBELL—I believe it is disgraceful. Although it may be relevant to America, it is certainly not an Australian custom. I do not know whether it is an official policy of the education departments—I am told it is not—but certainly schools in the Australian Capital Territory (ACT) in particular, and in other places in Australia, seem to have been encouraging this amongst children. Even my own children in Kalgoorlie have participated, and I find this terribly distressing and, I think, irresponsible, particularly when we read about the things that befall children who partake of this custom in the United States of America. It seems that we have some bored and unimaginative teachers who have thought this up to keep the kids out of their hair for some time. I hope that it is not true, but we have certainly seen an upsurge of this this year and I hope it is not a custom that survives. It is a custom that drags us back to the Dark Ages and promotes the idea of the irrational in children.

I think it was the creator of Ginger Meggs, James Bancks, who left strict instructions that Ginger Meggs was to be an entirely Australian character. The format of Meggs was to retain an essential Australianism. It is rather depressing, and in fact very demeaning, that this year Ginger Meggs has been out trick or treating. In the United States people put razor blades, poisonous drugs and all sorts of things in fruit which is given to children, and that is something we certainly do not want to encourage in this country. Several people have written to me about this matter. A taxi driver in the ACT told me of his great concern about this matter. I hope that by raising the matter in the House tonight I can put a stop to it.

Mr DEPUTY SPEAKER—Order! The honourable member's time has expired.

Mr DONALD CAMERON (Moreton) (9.50)—Today, as the full House this evening is fully aware, marks the twenty-first anniversary of my election to this place and of the election to this place of the honourable member for Sturt (Mr Wilson) behind me, the honourable member for Cook (Mr Dobie) and, over amongst the National Party members, the honourable member for Kennedy (Mr Katter).

Mr Lavarch—What is your margin now?

Mr DONALD CAMERON—My margin is big enough for me to be here. I can assure the honourable member opposite that the record books do not write about those who come sec-

ond. If he thinks that I am about to eclipse my career in this place after 21 years he has another think coming. I thank the House for the manner in which it has honoured the 21 years of service to this place of the honourable members for Sturt, Cook and Kennedy and me.

My principal purpose in rising this evening is to raise a matter I have been trying to raise in this Parliament for some weeks now in Question Time. I apologise at the outset for not having informed the Minister for Land Transport and Infrastructure Support (Mr Duncan) that I would have to resort to the adjournment debate to raise the matter. Since the Parliament resumed after the July election I have been able to ask only two questions—two questions in four months—which is absolutely terrible and which is a sad reflection on the way the Government hogs Question Time with long and extended answers, preventing honourable members on this side of the House from raising matters of great public importance.

What I was going to ask the Minister for Land Transport and Infrastructure Support, had I been given the opportunity, is as follows: Is the Minister aware that at the new \$650m Brisbane Airport a potentially disastrous situation exists whereby air traffic controllers can see only two-thirds of one of the runways? Is he aware that, because of the structure of the control tower, no controller giving an aircraft clearance for take-off could be confident that there was no obstacle in its path? Does the Minister understand that this could lead to the kind of disaster that occurred in the Canary Islands in 1977 when a Pan American World Airways jumbo jet departing at the time slammed into a KLM Royal Dutch Airlines jumbo jet? Has the Minister been advised that this lethal situation can be averted by installing surface movement radar at a cost of around \$700,000? Will the Minister guarantee that this radar equipment is approved and in place prior to the airport commencing operation?

That was my question. Mr Deputy Speaker, had you been in the Chair it may well have been ruled out of order because it contained too many questions, et cetera. This is a real problem in Brisbane. Originally a very tall tower was planned but, because it was discovered that for a certain part of the year the tower would be enshrouded by cloud, it was decided to lower the tower. Mr Deputy Speaker, do you know what the situation is now? Under the new set-up there will be someone in a utility at the end of the tarmac saying to the tower by two-way radio, 'There

are no aeroplanes coming' or 'we cannot see anything'.

With great respect, this airport, which was born as a result of the efforts of the late Kevin Cairns, the former member for Lilley, has had hundreds of millions of dollars spent on it yet the Government will not provide the extra \$700,000 needed to make it safe. The control tower people are deeply concerned that we could have a repeat of the Canary Islands accident just for the sake of \$700,000.

I conclude my speech in front of the full House this evening with a request that the Government agree to this necessary addition to the Brisbane Airport so that people who fly in and out of Brisbane can do so in safety. Finally, it is great to be here 21 years later. To the honourable member for Fisher (Mr Lavarch), who had a shot at me at the beginning of my speech, I say: I hope that he makes it, too, because his twenty-first anniversary is a long way away.

Mr DEPUTY SPEAKER—Order! The honourable member's time has expired. On behalf of the other seven members in the chamber, I wish him well for the next 21 years.

Mr PUNCH (Barton) (9.55)—The matter which I draw to the attention of the House tonight brings me a great deal of pleasure as the chairman of the Government's Caucus economic and industrial relations committee. One of the staunchest critics of the Government's small business and taxation policies, Mr Andrew Hay, recently has not only paid the Government's taxation and small business policies a compliment; but also he has paid them the ultimate compliment by putting his money where his mouth is. After all the frustrating political statements he made in the past it seems that he believes in what we have been doing. It seems that all the statements he has been making about us were not quite right. He has now come to that realisation.

I draw the attention of the House to an issue of the magazine *Australian Business*—the issue, ironically, of 11 November this year. Mr Hay, of course, had a good deal to do with some events on another 11 November a few years back, so, all in all, it is quite appropriate. Mr Hay, who, even his staunchest critics such as me must acknowledge is a very bright and competent individual, has gone into the business world, into property management. The article in *Australian Business*, which is headed 'Float Leads a Charmed Life' details the floating of a company by Mr Hay, with some relatives and friends of his, by the name of Adroyal, which is to be a

buyer mainly of badly managed and underused commercial properties that are outside central business district areas. The company hopes, by better management, to lift rental yields and, therefore, make a good profit. And good luck to them. I certainly hope that it does, as this Government hopes that all businesses—legitimate, of course—do well. The article in *Australian Business* states:

It—

that being Adroyal—

hopes to lift rental yields through tighter management. It anticipates paying a dividend in excess of 5.5c a share from its first year and sees tax savings from dividend imputation as the main attraction for investors.

Mr McGauran—This is character assassination.

Mr PUNCH—Far from it. It is not character assassination at all. One of Australia's leading New Right spokesmen, a critic of our small business and tax policies, has not only, it seems, acknowledged the wisdom of dividend imputation and what that means for the hundreds of thousands of small investors across Australia who purchase shares and invest in companies, providing investment in this country, but also put his money where his mouth is in the belief of the strength of this Labor Government's small business and tax policies. His company sees tax savings from dividend imputation as the main attraction for investors. I have no doubt that Adroyal and Mr Andrew Hay will do well. He is a capable individual; that is obvious. I wish him well. On behalf of all honourable members on this side of the House, I thank him for paying the ultimate compliment to this Government's policies.

Mr McGAURAN (Gippsland) (9.59)—I wish to draw to the attention of honourable members an event which is of great significance within my electorate but which also has wider implications for the economy of Victoria, and indeed for Australia's balance of payments—the commencement of the Benambra mining project. Benambra is a small town near Omeo in the Great Divide, in the furthestmost regions of Gippsland. It is best known for its grazing and timber industries. Now, however, it appears likely that potentially the biggest base metal mining operation in Victoria's history and one of the 10 largest base metal mining operations in Australia will take place. It is a project that has been long mooted in far East Gippsland, but it is only now coming to realisation. That is a tremendous credit to Macquarie Resources Ltd, which is the investor in and the operator of this mining project.

For some years Western Mining Corporation Holdings Ltd held the leases and sought to develop this base metal mining project, but in the last couple of years Macquarie Resources Ltd, headed by Roche Bros Pty Ltd, has taken over.

I spent this morning at the Benambra mining site with a great many other people, mostly from the Benambra and Omeo areas. There were representatives from the local shires, and from local community and economic groups, all of whom have a great interest in the success of this project. I cannot stress enough how important the success of this project will be to this part of my electorate. Macquarie Resources Ltd has indicated that the environmental impact statement will be available for public comment in December and that when the project is under way there is the potential for some 250 people to be employed. It goes without saying that this presents tremendous opportunities to a relatively depressed part of my electorate, and Victoria, that otherwise would not have come its way. Some \$80m will need to be invested, and much of this will come from the equity of Macquarie shareholders, as well as from loans. I am advised by Macquarie Resources that up to date the Victorian Government has been extremely co-operative, and I trust that that co-operation will continue. I quickly add that if it does not continue, members in this Parliament as well as in the State Parliament will be having something to say.

In the short time available to me I cannot possibly run through all the different aspects of this mining project but I should stress that we expect mining to take place in the early or middle part of 1989. It is presently estimated that the combined tonnage of the project will be 13 million tonnes, to be mined at an annual rate, I am advised by Macquarie Resources, of between 750,000 and 1.2 million tonnes. A whole range of base metals will be mined, including copper, zinc and, to a lesser extent, gold and silver.

The principals of Macquarie Resources Ltd include the Roche brothers, Denis and Ken, and their father, Jim. Both Denis and Ken Roche were at the site today to welcome guests and to explain the company's policy on the environment as well as how the project will affect the community. Both of those limbs of their policy impressed me greatly. Mr Jim Roche was unable to be present because he was attending his final Transwest Haulage Holdings Ltd board of directors meeting and his retirement dinner this evening. His absence was noted, and he was missed

because he is a driving force behind this very reputable, experienced Roche Bros group. All of the Gippsland looks forward to the continuation of this project, and we offer our support in whatever way possible to bring about what has been a long-held dream.

Mr DEPUTY SPEAKER—Order! The honourable member's time has expired.

Mr LAVARCH (Fisher) (10.04)—Tonight, I wish to speak of matters of great import in my home State of Queensland. Honourable members would be aware that certain events have occurred this past week which have changed, or at this stage seem certain to change, the governing of the State of Queensland as we have known it during the last two decades. Whilst most people's attention has been riveted on the outcome of the leadership struggle to the death between Sir Joh Bjelke-Petersen and assorted challengers, the issue I wish to address concerns those people who have been closely associated with the ousted people's choice, and who will now have to take their place in the queue at the local Commonwealth Employment Service office to see just what the world outside politics has to offer them.

Let me take the case of Sir Joh's pilot, Beryl Young. I am sure honourable members will be aware that Beryl is a person of many talents. These talents should not be allowed to go unrecognised. I propose that this Government offer Ms Young employment. For the one salary, just look at what this Government would pick up: a pilot, a political adviser, a lobbyist and a high flier to boot. Ms Young has been known in the past to pull rank in her dealings with air traffic controllers. Perhaps the office of the Minister for Defence (Mr Beazley) could be made aware of the possible availability for employment. Surely Ms Young's talents could be utilised in the defence forces. Australia needs leaders of men.

Perhaps honourable members have not as yet heard of that new game sweeping Australia. It is called musical chess. From the events of the past week in Queensland, it seems that there should now be no problems in filling the chess board. We would have no problem in finding enough Queensland National Party backbenchers to act the role of the pawns; we have the happy position of a surfeit of live knights to take their places on the board; rumour has it that a couple of old queens are anxious to make their appearance; and there are no problems obtaining castles in the air, in Queensland. Last, but not least, we now have solved the problem of coming up with two kings. The game of musical chess takes on new meaning in the sunshine

State, with a fight to the death and murmurs of 'checkmate' from opposing camps. With such players as these, Queensland would have to be odds on certainties to take the musical chess shield this year, which could compensate us for our failure in the past ever to win the Sheffield Shield.

As one who has lived in a State which has been controlled for so long by a now discredited and soon to be deposed Premier, I have to look further than just one leadership change. Just what will be the ramifications of life after Joh? Will unemployment in Queensland—at present the highest in Australia—improve? Will wages—at present the lowest in Australia—increase? Will bankruptcies—at present the highest in Australia—decline? Will investment—at present the lowest in Australia—pick up? Will Johspeak no longer be taught as a second language in Queensland schools? Will taxpayers' funds be used to initiate shonky writs against opposition parliamentarians?

More importantly, what will happen to Joh? I have here a document, reportedly fallen off the back of a truck en route to placement in the Positions Wanted column of the Brisbane *Courier-Mail*. I will read the document for the information of honourable members:

Position wanted. Senior citizen, recently retrenched from high position, seeks work as any of the following:

- Lecturer in the Westminster system of Parliament
- Poultry farmer (chook feeder)
- Industrial advocate (preferably with E.T.U.)
- After dinner speaker
- Environmental officer
- Civil libertarian
- Helicopter pilot
- Electoral commissioner
- Land rights commissioner

Can supply own interpreter and pilot (who can double as a political adviser)

Salary need not be commensurate with experience in any of the above fields.

Reference has been made to changes in the political area in Queensland as a shuffling of the chairs on the deck of the *Titanic*, but I tend to the view that the changes resemble a stalemate in the musical chess game—there are no winners, only losers; the losers in this case being the people of Queensland who will continue to suffer under a government whose economic record remains the worst in Australia. Queensland and Queenslanders deserve better than the treatment handed out to them over the past two decades. The sad fact, Mr Deputy Speaker, is that what

Queensland needs is a change of Government—not a change of leadership—from the tired, out of touch, scandal-ridden and discredited National Party Government.

Mr SMITH (Bass) (10.09)—I want to take a few minutes to talk about food—something that we in this place think about a lot. The Minister for Consumer Affairs (Mr Staples), who is at the table, should be interested in this. In tonight's Melbourne *Herald* there is an interesting little article which refers to a Victorian cheese company which has been closed by the Victorian Minister for Agriculture and Rural Affairs, Mr Walker, because its cheese has been found to contain bacteria that has caused deaths in Europe.

The Swiss Government has found that there are bacteria in Australian cheese and therefore this company has been closed. But what are we doing to check for bacteria and contaminants in imported food as it comes into this country? Traditionally, the Australian Government Analytical Laboratories (AGAL) have investigated and analysed imports of food into this country. Recently I visited AGAL's laboratories in Sydney and it is quite clear that over the past 18 months the testing of food imported into Australia by AGAL has been drastically curtailed under this Government. Items previously analysed for their purity and radiation levels included frozen prawns, tinned foods, sultanas, hazel nuts, spices and herbs, vegetable oils, bay leaves and several others. These items are now rarely tested. Moreover, high risk products which may contain dangerous concentrations of lead and zinc are very likely to escape scrutiny. Even when AGAL did monitor imported food the incidence of contamination was relatively high. Now it may reach unacceptable levels.

I believe that Australia is in real danger of becoming a dumping ground or clearing house for impure foods as other countries try to find a market for them. This is a fear held by many of the chemists who are charged with the task of analysing food. Indeed, the Government's Deputy Whip, the honourable member for Streeton (Mr Lamb), should take some interest in this because he is a chemist. These foods are unlikely to meet the more exacting standards and testing procedures of other countries' exporters and they may well now target Australia for these less pure products. Unlike the United States we do not have a food safety inspection service; we have always relied on AGAL and now its activities have been curtailed. For some considerable time I have waited for the Minister for Administra-

tive Services (Mr West), who is responsible for AGAL, to answer my questions, which I put on notice on 20 October, about AGAL and the analysis of food imported into Australia. Still I have no answers. All I can find out is that the Government is now undertaking a 'risk management program' and is trying to second-guess where the impurities may occur. In my view this is not good enough. There comes a time when governments—and certainly the Minister at the table, the Minister for Consumer Affairs (Mr Staples) should have some regard to this—

Mr O'Keefe—A good Minister, he knows his stuff!

Mr SMITH—I hope he does. I hope he is listening and the honourable member might listen as well. We are asking the Australian consumer to take risks with imported impure food. There was an incident recently where bay leaves came in from Turkey. The radiation levels in those leaves were found to be excessive and the importers were told that those products could not come on to the market. However, the Federal Department of Community Services and Health said after that when the next load of bay leaves came in it could be used to dilute the previous shipment, provided that the second shipment had low radiation levels. The New South Wales Department of Health said no to the Federal Department and there was a wrangle over the matter. Thank goodness, the State Health Department won that fight.

If the Government is to adopt a program of risk management in relation to the testing of imported food, it is asking the Australian consumers to take very big risks. We do not want a situation such as that faced by the Swiss Government which discovered bacteria in Australian cheeses which may have caused some 54 deaths since 1983. This is sobering stuff, and I hope the Government will listen.

Mr MILTON (La Trobe) (10.14)—The 1987 report of Amnesty International should be compulsory reading for all members and senators of the Australian Parliament. The report covers the year 1986 and places on public record the work of Amnesty International to prevent the violations of human rights in more than 125 countries. It was interesting to note that almost all the industrialised countries were included, although only Norway of the Scandinavian countries was included. Australia was not included, although I imagine the treatment of Aborigines in some Australian States must come close to being recorded as human rights violations which

should be included in the report. The foreword of that report states:

The omission of a country—
from the report—

. . . should not be interpreted as indicating that no human rights violations took place in that country.

Tonight I want to draw attention to the abuse of human rights of Palestinian people. I do so because to some extent the Palestinians are a forgotten people and will remain so unless there is an all out attempt to exterminate the refugee camps in Lebanon. In those cases the Press is full of reports of hundreds of Palestinians being killed. The Amnesty International report states:

Amnesty International also opposed the forcible return of Palestinians to the Lebanon, where in recent years they have frequently been subjected to arbitrary arrest and incommunicado detention without trial, ill-treatment and torture and where many have become victims of political killings. Human rights violations against Palestinians have been carried out principally by AMAL, the mainly Shi'ite militia which controls territory in West Beirut and South Lebanon, and have taken place most intensively during the current periods of heightened tension.

In Israel and the occupied territories the report indicates its concern regarding the imprisonment of prisoners of conscience and the continued use of detention and restriction. The report further states:

Amnesty International received allegations of ill-treatment and torture of detainees in Israel and the Occupied Territories and in the border zone of South Lebanon where Israeli military forces maintained a presence. It was concerned about the inadequacy of safeguards to prevent ill-treatment and torture and about deficiencies in the complaints machinery for investigating allegations.

A number of Palestinians were imprisoned by the Israeli authorities because of suspected membership of the Palestinian Liberation Organisation. In my view and in the view of Amnesty International, each case should be examined on its merits to see whether the individual's association with the banned organisation was in fact an advocacy of violence. I have no doubt that I will be accused of attacking the Israeli nation, but I want to make it quite clear that many Israeli citizens abhor the treatment of Palestinians by the authorities in their country. I hope that Australians will also protest about the treatment of Palestinians in both the Lebanon and Israel. I hope that they will also support the call by Palestinians for a homeland of their own.

Question resolved in the affirmative.

House adjourned at 10.18 p.m. until Monday, 7 December at 2 p.m. unless Madam Speaker fixes an alternative date or hour of meeting in accordance with the resolution agreed to this day.

PAPERS

The following papers were deemed to have been presented on 26 November 1987:

Health Insurance Act—Statements of particulars of Ministerial determinations made pursuant to section 106AA, relating to—

Dr L. H. Kalokerinos, dated 16 November 1987.

Dr M. S. Mustapha, dated 16 November 1987.

Dr D. C. Walker, dated 26 August 1987.

ANSWERS TO QUESTIONS

The following answers to questions were circulated:

Exports: International Agreements

(Question No. 116)

Mr Hollis asked the Minister for Primary Industries and Energy, upon notice, on 21 September 1987:

(1) When did Australia last attend a meeting under the auspices of the (a) International Cocoa Agreement, (b) International Coffee Agreement, (c) Arrangement regarding Bovine Meat, (d) International Dairy Arrangement, (e) International Natural Rubber Agreement, (f) International Agreement on Jute and Jute Products, (g) International Sugar Agreement and (h) Wheat Trade Convention.

(2) What other states are parties to each of these instruments.

Mr Kerin—The answer to the honourable member's question is as follows:

(1a) International Cocoa Council, 2-11 September 1987.

(b) International Coffee Council, 21 September-5 October 1987.

(c) Arrangement Regarding Bovine Meat, 18 August 1987.

(d) International Dairy Arrangement, 21-25 September 1987.

(e) International Natural Rubber Organisation Council, 19-22 October 1987.

(f) International Jute Council, 11-14 April 1987.

(g) International Sugar Organisation Executive Committee Meeting, 8 October 1987. UN Conference and Preparatory Committee on Sugar, 9-11 September 1987.

(h) International Wheat Council, 8-10 July 1987.

(2a) Brazil, Cameroon, Ivory Coast, Ecuador, Gabon, Ghana, Grenada, Guatemala, Haiti, Jamaica, Mexico, Nigeria, Samoa, Papua New Guinea, Sierra Leone, Togo, Venezuela, Bulgaria, Belgium/Luxembourg, Czechoslovakia, Denmark, Finland, USSR, France, German Democratic Republic, Greece, Hungary, Japan, Federal Republic of Germany, Ireland, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom.

(b) Angola, Austria, Belgium/Luxembourg, Bolivia, Brazil, India, Burundi, Canada, Colombia, Costa Rica, Cuba, Cyprus, Haiti, Denmark, Dominican Republic, Ecuador, El Salvador, Greece, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Ghana, Federal Republic of Germany, Guatemala, Guinea, Honduras, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Liberia, Malawi, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Benin, Cameroon, Central African Republic, Congo, Gabon, Ivory Coast, Madagascar, Togo, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Rwanda, Sierra Leone, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Tanzania, Thailand, Trinidad & Tobago, Uganda, United Kingdom, USA, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

(c) Argentina, Austria, Brazil, Canada, Columbia, Greece, Italy, Egypt, Finland, Hungary, Japan, Nigeria, Norway, Poland, Romania, South Africa, Sweden, Switzerland, USA, Uruguay, Yugoslavia, Bulgaria, Guatemala, Tunisia, New Zealand, Ireland, United Kingdom, Spain, Portugal, France, Denmark, Netherlands, Belgium/Luxembourg, Federal Republic of Germany,

(e) Brazil, Ivory Coast, Mexico, Nigeria, Denmark, Italy, Japan, Papua New Guinea, Belgium/Luxembourg, Czechoslovakia, Iraq, Finland, USSR, France, Greece, Federal Republic of Germany, Ireland, Netherlands, Norway, Sweden, Switzerland, Peru, United Kingdom, USA, China, Canada, Thailand, Sri Lanka, Malaysia, Indonesia.

(f) Bangladesh, China, India, Nepal, Thailand, USA, Austria, Canada, Sweden, Switzerland, Turkey, Yugoslavia, France, Denmark, Federal Republic of Germany, Greece, Ireland, Italy, Netherlands, Spain, United Kingdom, Egypt, Finland, Japan, Indonesia, Norway, Pakistan, Poland.

(g) Colombia, Ecuador, El Salvador, Nicaragua, Panama, Peru, Brazil, Cuba, Hungary, Dominican Republic, USA, Guatemala, Mexico, Fiji, Austria, Barbados, Belize, Congo, Pakistan, Ivory Coast, Guyana, Jamaica, Papua New Guinea, India, Trinidad & Tobago, Zimbabwe, Mauritius, Malawi, Cameroon, South Africa, Swaziland, Thailand, Philippines, Canada, New Zealand, Egypt, German Democratic Republic, Iraq, Japan, Republic of Korea, Norway, Sweden, Finland, USSR, Bolivia, Uganda, Uruguay, Costa Rica, Haiti, Honduras, Madagascar, Paraguay, St Christopher & Nevis.

(h) Algeria, Argentina, Austria, Barbados, Bolivia, Brazil, Canada, Cuba, Ecuador, Egypt, EEC, Finland, Hungary, India, Iran, Iraq, Israel, Japan, Republic of Korea, Malta, Mauritius, Morocco, Norway, Pakistan, Panama, Saudi Arabia, South Africa, Sweden, Switzerland, Tunisia, Turkey, USSR, USA, Vatican City, Venezuela, Yemen Arab Republic.

Postage Paid Letters

(Question No. 138)

Mr Simmons asked the Minister for Primary Industries and Energy, upon notice, on 24 September 1987:

(1) Are letters from the Minister's Department forwarded to individuals and corporations marked "postage paid", without date stamping; if so, are there significant revenue savings from these measures.

(2) If letters are not date stamped, will the Minister ensure all letters are appropriately date stamped.

Mr Kerin—The answer to the honourable member's question is as follows:

(1) Yes. A proportion of mail items forwarded to individuals or corporations through either bulk postage or through private forwarding contractors are despatched without date stamps on the envelopes or packaging. These arrangements achieve significant savings

including a reduction in the rate for postage and a decrease in processing and handling costs.

(2) No. In the light of the above savings and the fact that all letters prepared by my Department incorporate a date of issue I do not believe the action proposed is necessary.

Mail Deliveries to Soviet Jews

(Question No. 230)

Mr Connolly asked the Minister representing the Minister for Transport and Communications, upon notice, on 8 October 1987:

What is the Minister doing to ensure the delivery of mail according to international postal regulations by families in Australia sending mail to Jewish family members in the USSR.

Mr Duncan—The Minister for Transport and Communications has provided the following answer to the honourable member's question, based on advice from Australia Post:

Australia Post is not aware of any instances where mail to Jewish families in the USSR, from their families in Australia, is not being delivered in accordance with international postal regulations.

If specific details of any alleged service failures were to be provided, Australia Post would investigate the matter.

Stamp Replicas

(Question No. 232)

Mr Scholes asked the Minister representing the Minister for Transport and Communications, upon notice, on 8 October 1987:

(1) Has the Government approved the promotion by Australia Post of stamp replicas as an investment item for collectors.

(2) Does the brochure provide information about the gold and silver content of these items, in order that persons considering purchase can have a real guide to value; if not, why not.

(3) What is (a) gold and (b) silver content of the stamp replicas and what was its market value on 1 September 1987.

(4) Is the Minister concerned that the Government is associated with a promotion of this type, without proper safeguards and information being provided to the consumer.

(5) Has the Minister's attention been drawn to the belief of some persons purchasing these replicas that their investment has the backing of Australia Post and the Government.

Mr Duncan—The Minister for Transport and Communications has provided the following answer to the honourable member's question, based on advice from Australia Post:

(1) Not applicable. Australia Post has not promoted 'The Australian Collection' of stamp replicas as an investment item.

(2) and (3) The collection is not an Australia Post product. Australia Post has no information relating to the gold and silver content, or value, of the stamp replicas, other than those details which have been published in the manufacturer's brochure.

(4) I am assured that the direct mail promotion of this product accords with the guidelines which were developed by the Australian Direct Mail Association to ensure that consumer interests are safeguarded by its members.

(5) No.

Primary Products

(Question No. 250)

Mr Hawker asked the Minister for Primary Industries and Energy, upon notice, on 20 October 1987:

(1) What was the gross value of basic production of (a) beef, (b) lamb, (c) mutton, (d) poultry, (e) wheat, (f) wool, (g) fruit, (h) vegetables, (i) dairy products and (j) fish in 1986-87.

(2) What was the value of exports of (a) raw and (b) semi-processed products for each of the commodities referred to in part (1).

(3) What was the gross value of processed products for (a) domestic and (b) export markets for each of the commodities referred to in part (1).

(4) What proportion of basic production of each commodity referred to in part (1) was used for processed products as referred to in part (3).

Mr Kerin—The answer to the honourable member's question is as follows:

(1) 1986-87 gross value of production data are:

	\$m
(a) Beef:	2 747
Canned meat:	34
(b) Lamb:	379
(c) Mutton:	112
Sheep exported:	231
(d) Poultry:	635
(e) Wheat:	2 573
(f) Wool:	3 255
(g) Fruit:	1 023
(h) Vegetables:	847
(i) Dairy products:	1 344
	(Value of milk at farm gate)
(j) Fish:	659

Source: Australian Bureau of Agricultural and Resource Economics, Quarterly Review of the Rural Economy, September 1987.

(2) The value of exports in 1986-87 of the major rural commodities follows. These have been separated into raw and semi-processed products where possible.

	\$m
(a) Beef and veal:	1 707
(b) Lamb:	112
(c) Mutton:	168
Live sheep:	231

	\$m
(d) Poultry meat:	6
(e) Wheat:	2 144
Flour:	16
(f) Greasy wool:	2 837
Processed wool:	1 025
(g) Fresh apples, pears and citrus fruit:	88
Canned pears and peaches:	54
Dried vine fruit:	75
(h) Vegetables:	not available
(i) Butter:	58
Cheese:	164
Condensed milk:	12
Casein:	23
Milk powders:	219
(j) Fish:	591

Source: Australian Bureau of Agricultural and Resource Economics, Quarterly Review of the Rural Economy, September 1987.

(3) It is difficult to calculate precisely the proportion of production that is consumed domestically and the proportion that is exported.

The gross value of production is the value of farm output valued at the principal wholesale market. This is normally less than the corresponding export value,

even if no further processing takes place, because of additional transport, storage and wholesaling costs incurred between the wholesale market and the point of export.

There are time lags between the time of production and the time of shipment.

Nevertheless, the Australian Bureau of Agricultural and Resource Economics has made some estimates of the percentage of Australian production exported in the years 1981-82 to 1982-83, although there is no differentiation between processed products and basic production.

- (a) Beef and veal: 50%
- (b) Lamb: 11%
- (c) Mutton: about 65%, but very volatile
- (d) Poultry: less than 1%
- (e) Wheat: an average of 82% in 1981-82 and 1983-84, but only 64% in the drought year of 1982-83.
- (f) Wool: 97%
- (g) Fruit: 22% for those listed above
- (h) Vegetables: not available
- (i) Dairy products: 18% of total milk production
- (j) Fish: not available

Source: Australian Bureau of Agricultural and Resource Economics.

(4) Recent information to answer this question is not readily available. ABS input-output tables provide some dated 1980-81 estimates of the proportion of basic production of commodities used for processed products.

Destination of output

Commodity group	Further agriculture	Processors	Other industrial	Australian consumers	Exports
	%	%	%	%	%
Sheep		24	7	1	68
Cereal grains (incl. oilseeds)	13	25			62
Meat cattle		98		1	1
Milk cattle and pigs		100			
Poultry		57		41	2
Other agriculture	10	42	12	30	6
Fishing and hunting		38	1	36	25
Meat products		14	4	53	29
Milk products	1	22	3	61	13
Fruit, vegetable products		10	4	77	9
Flour mill, cereal products	1	43	5	33	18
Cotton ginning, wool scouring, top making		2	30		68

Source: ABS Cat. No. 5215

Northern Territory: Air Search and Rescue Facilities

(Question No. 338)

Mr Andrew asked the Minister for Land Transport and Infrastructure Support, upon notice, on 27 October 1987:

(1) Does his Department plan to have the air search and rescue facilities now based in Alice Springs relocated to Melbourne.

(2) How will local knowledge, which is important in search and rescue operations in the Northern Territory, be incorporated into a Melbourne-based operation.

Mr Duncan—The answer to the honourable member's question is as follows:

(1) The relocation of the Alice Springs search and rescue facility is being addressed by a national review of operational control and aviation search and rescue being undertaken jointly by Departmental officers and specialist officers from the Civil Air Operations Officers' Association of Australia. The review team is due to report by 27 November 1987.

(2) The review includes consideration of how the factor of local knowledge can be incorporated into a more centralised system.

Gas Odorant: Sale

(Question No. 78)

Mr Milton asked the Minister for Defence, upon notice, on 16 September 1987:

(1) Has the investigation been completed into the circumstances which led to the sale of 43 tins of a highly flammable and pungent gas odorant, ethyl meri-

captain at an auction depot in Beechley Street, Tottenham, Vic; if not, when will the inquiry be completed.

(2) If the inquiry has been completed who was responsible for making the gas available for the auction and why was it not properly disposed of by the Army.

(3) Are other hazardous chemicals owned by the Army sold to the public at auction; if so, what procedures are carried out to ensure that the buyer is fully aware of the properties of the chemicals and will use or dispose of them in a way which does not pose a public health hazard.

Dr Blewett—The answer to the honourable member's question is as follows:

(1) An inquiry into the sale has been completed.

(2) The odorant liquid ethyl mercaptan was purchased by the Army in 1981. The chemical was considered a non-toxic industrial chemical of commercial value and only moderately hazardous. It was accordingly declared for disposal by public auction. Subsequent investigation by Departmental technical staff has confirmed that the chemical is a moderate toxic primarily irritant in nature and that because of the strong odour the presence of ethyl mercaptan is easily detectable at concentrations well below that which would produce any adverse health effects. However, the containers were clearly labelled "Caution: Flammable mixture. Do not use near fire or flame", and "Caution, Gas odorant, non-toxic, do not drop".

(3) Chemicals that are considered hazardous, pollutant or dangerous are not normally for sale at public auction. Instructions within the Army set out special disposal procedures involving consultation with appropriate State/Local authorities.

Sandy Creek Prison

(Question No. 234)

Mr Moore asked the Minister for Defence, upon notice, on 8 October 1987:

(1) What effect will the siting of the proposed Sandy Creek Prison have on the Amberley Air Force Base, Qld in view of the fact that the site is in direct line with the Base.

Mr Beazley—The answer to the honourable member's question is as follows:

(1) In response to an informal enquiry, RAAF Base Amberley has provided some guidance on the possible impact of a prison on RAAF operations to the Qld State Department of Works. Although Air Force Office has not been provided with any information on the proposed prison from state/local government authorities, Department of Administrative Services (Qld) has been requested to liaise with the relevant authorities on the issue and represent Defence (RAAF) interests.

Apparently the prison will be located 8 kilometres north west of the Base. The proposed site is beneath the Main Instrument Approach Runway flight path. The majority of flying activities at the Base involve flight paths and letdown patterns through the airspace directly above the proposed site. Because of the magnetic alignment of the runway and other technical criteria for approach letdown patterns, low level passes over the site are unavoidable.

Aircraft noise is unavoidable in the operation of an aerodrome. The effects of noise in relation to flight patterns have been quantified in the form of the Australian Noise Exposure Forecasts (ANEF). The 25NEF is considered the normal limit for residential development. The site of the proposed prison is within the 30-35NEF. Although prisons are not specifically included in the NEF Land Use Compatibility Tables, this type of land use is comparable with hospitals, hotels, motels etc. From the RAAF's point of view, such land uses (such as a prison) are considered to be incompatible with the proposed site. Unfortunately, the Commonwealth has no control over this issue as town planning matters are the prerogative of state and local government authorities.

If the project is to proceed an analysis of building noise reduction requirements should be made and extensive noise control measures incorporated into the design.

At this stage the plans for security at the prison are unknown. Excessive lighting at night under or near the aircraft approach path can cause confusion to pilots. My Department in conjunction with the Air Standardization Co-ordinating Committee has set down an Air Standard (65/13) indicating the necessary limitations to be imposed on strong lighting near airstrips. These standards are incorporated into this Department's "Airfield Design Criteria" however in the absence of legislation the Department must rely on the co-operation of local authorities to enforce these standards.

Other security systems at the prison may include electronic, magnetic, microwave or microphonic devices, that may be activated by noise or vibration from a low flying aircraft or even the active propagation of an F111's powerful radar.

The RAAF understands that the facilities at the prison may include a 30 metre high water tower. Such tall physical obstructions are also addressed by the Airfield Design Criteria. Where such structures are near the clearance surfaces they should be marked by hazard beacons and identified on air navigation charts.

Provided the potential problems associated with lighting, electro magnetic/microwave devices and building heights are adequately addressed, Defence (RAAF) would have no objections to the proposed development.

Aboriginal Cricket Team: Tour of England

(Question No. 301)

Mr Shack asked the Prime Minister, upon notice, on 21 October 1987:

Is he able to say what are the arrangements for the proposed Bicentennial tour of England by a team of Aboriginal cricketers, including—

- (a) how many potential players have been chosen to undergo selection trials and how they have been selected,
- (b) how many players will be named in the touring squad and how they will be selected,
- (c) whether potential members of the touring team are to undergo selection trials at the Australian Institute of Sport (AIS),
- (d) what is the
 - (i) duration and
 - (ii) total cost,

including travel, accommodation and the use of AIS facilities, of the selection trials and how it is to be financed,

- (e) what will be the total cost of recruiting and selecting the team and how the cost will be met,
- (f) what will be the total size of the touring party,
- (g) what is the proposed playing and training schedule for the team,
- (h) what will be the total cost of the playing and training schedule for both players and officials and how the cost will be met,
- (i) what steps are being taken to promote the team's tour and
- (j) what sum the promotion will cost and how it will be financed.

Mr Hawke—The answer to the honourable member's question is as follows:

(a), (b), (c), (e), (f), (g), (h), The arrangements for the tour of England in 1988 by Aboriginal cricketers are being handled by the Aboriginal Cricket Association, Chairman Mr Mark Ella, AM. The Association is an incorporated body which has undertaken to raise the substantial funds required and to complete all arrangements for the proposed tour, and I am not in a position to provide the information the honourable member seeks.

(d) (i) (ii) The Australian Institute of Sport contributed \$6,000 towards the use of its facilities by 35 potential participants in the tour at a selection camp between 16 and 23 October 1987. These funds were allocated from the National Sports Program.

Other Commonwealth agencies have provided or are considering the provision of funds to assist the Association with its proposed tour:

the Australian Bicentennial Authority has made a commitment to fund the tour to the sum of \$50,000, subject to the Aboriginal Cricket Association securing the balance of funding for the tour and providing a suitable budget and plan of action; and

the Department of Aboriginal Affairs had provided a commitment of \$50,000 towards the cost of the tour in its 1987-88 Budget appropriation within the Sports Development Grant program. \$25,000 of these funds have already been provided towards preliminary costs.

(i) (j) While promotion of the tour is primarily the responsibility of the Aboriginal Cricket Association, I am pleased that I will be assisting in promoting the team's tour by arranging a match between a Prime Minister's XI and the touring team to be held at Manly Oval on 13 January 1988.

Australian Army: Field Clothing

(Question No. 343)

Mr White asked the Minister for Defence, upon notice, on 28 October 1987.

(1) Will he update the information contained in his answer to Question No. 2394 (*Hansard*, 29 November

1985, page 4098) and provide information as at 1 November 1987.

Mr Beazley—The answer to the honourable member's question is as follows:

(1) The Australian Army is proceeding with the introduction of a new Disruptive Pattern Uniform. It is expected that the uniforms will be available for issue to soldiers in the Operational Deployment Force and 1st Military District in May 1988. Issues to other units will follow.

(2) The Army procured 1,300 sets of commercial style waterproof jackets and trousers for selected soldiers in 1986. The style of jacket has been well received and 19,000 disruptively patterned jackets are to be delivered between December 1987 and March 1988. There is to be a follow on buy of jackets in 1988. A decision on when to procure waterproof trousers is yet to be taken.

Commonwealth War Graves Commission

(Question No. 378)

Mr Tim Fischer asked the Minister for Veterans' Affairs, upon notice, on 4 November 1987:

(1) What have been the total payments made by the Government to the Commonwealth War Graves Commission in each year since 1980.

(2) How many Commission staff were located at its London headquarters on 1 July 1987.

(3) How many Australian citizens were employed by the Commission on 1 July 1987.

Mr Humphreys—The answer to the honourable member's question is as follows:

(1)—

	\$
1980-81	1,199,694
1981-82	974,231
1982-83	1,113,608
1983-84	1,076,109
1984-85	1,157,188
1985-86	1,694,934
1986-87	*2,941,589

* This includes an amount of \$598,158 representing the first quarterly payment for 1987-88.

In February 1987, an additional \$205,341 was paid as a foreign exchange adjustment.

The Office of Australian War Graves' contribution to the Commonwealth War Graves Commission is 5.91% which is in proportion to the number of World War I and II dead.

(2) 119, plus 15 outer area staff based at headquarters office.

(3) One. **