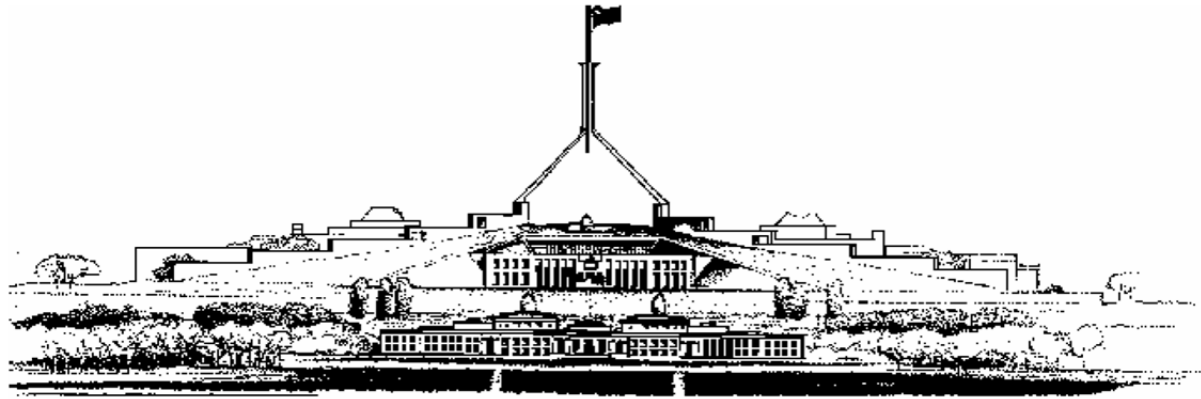




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 118, 1986

Friday, 5 December 1986

THIRTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE SENATE

THIRTY-FOURTH PARLIAMENT

FIRST SESSION—FOURTH 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.

Senate Officeholders

President—Senator the Honourable Douglas McClelland

Chairman of Committees—Senator David John Hamer, DSC

Temporary Chairmen of Committees—Senators Florence Isabel Bjelke-Petersen, Ruth Nancy Coleman, Malcolm Arthur Colston, Ronald Charles Elstob, Patricia Jessie Giles, Janine Haines (to 16 September 1986), Donald Scott Jessop, Gerry Norman Jones, David John MacGibbon, Colin Victor James Mason (from 16 September 1986) and Michael Townley

Leader of the Government in the Senate—Senator the Honourable John Norman Button

Deputy Leader of the Government in the Senate—Senator the Honourable Donald James Grimes

Leader of the Opposition—Senator the Honourable Frederick Michael Chaney

Deputy Leader of the Opposition—Senator the Honourable Peter Drew Durack, QC

Senate Party Leaders

Leader of the Australian Labor Party—Senator the Honourable John Norman Button

Deputy Leader of the Australian Labor Party—Senator the Honourable Donald James Grimes

Leader of the Liberal Party of Australia—Senator the Honourable Frederick Michael Chaney

Deputy Leader of the Liberal Party of Australia—Senator the Honourable Peter Drew Durack, QC

Leader of the National Party of Australia—Senator Stanley James Collard

Deputy Leader of the National Party of Australia—Senator Florence Isabel Bjelke-Petersen

Leader of the Australian Democrats—Senator Janine Haines

Deputy Leader of the Australian Democrats—Senator John Royston Siddons (to 26 November 1986)

Members of the Senate

Senator	State or Territory	Term expires	Party
Alston, Richard Kenneth Robert (4)	Vic.	30.6.91	LP
Archer, Brian Roper	Tas.	30.6.91	LP
Aulich, Terry	Tas.	30.6.91	ALP
Baume, Michael Ehrenfried	NSW	30.6.91	LP
Baume, Hon. Peter Erne	NSW	30.6.88	LP
Bjelke-Petersen, Florence Isabel	Qld	30.6.88	NP
Black, John Rees	Qld	30.6.91	ALP
Bolkus, Nick	SA	30.6.91	ALP
Boswell, Ronald Leslie Doyle	Qld	30.6.91	NP
Brownhill, David Gordon Cadell	NSW	30.6.91	NP
Button, Hon. John Norman	Vic./	30.6.88	ALP
Carrick, Hon. Sir John Leslie, KCMG	NSW	30.6.88	LP
Chaney, Hon. Frederick Michael	WA	30.6.88	LP
Childs, Bruce Kenneth	NSW	30.6.91	ALP
Coates, John	Tas.	30.6.91	ALP
Coleman, Ruth Nancy	WA	30.6.88	ALP
Collard, Stanley James	Qld	30.6.88	NP
Colston, Malcolm Arthur	Qld	30.6.88	ALP
Cook, Peter Francis Salmon	WA	30.6.91	ALP
Cooney, Barney	Vic.	30.6.91	ALP
Crichton-Browne, Noel Ashley	WA	30.6.91	LP
Crowley, Rosemary Anne	SA	30.6.91	ALP
Devlin, Ray	Tas.	30.6.91	ALP
Durack, Hon. Peter Drew, QC	WA	30.6.88	LP
Eltob, Ronald Charles	SA	30.6.88	ALP
Evans, Hon. Gareth John, QC	Vic.	30.6.88	ALP
Foreman, Dominic John	SA	30.6.88	ALP
Georges, George	Qld	30.6.88	ALP
Gietzelt, Hon. Arthur Thomas	NSW	30.6.88	ALP
Giles, Patricia Jessie	WA	30.6.91	ALP
Grimes, Hon. Donald James	Tas.	30.6.88	ALP
Guilfoyle, Hon. Dame Margaret Georgina Constance, DBE	Vic.	30.6.88	LP
Haines, Janine	SA	30.6.88	AD
Hamer, David John, DSC	Vic.	30.6.91	LP
Harradine, Brian	Tas.	30.6.88	Ind.
Hill, Robert	SA	30.6.88	LP
Jessop, Donald Scott	SA	30.6.91	LP
Jones, Gerry Norman	Qld	30.6.91	ALP
Kilgariff, Bernard Francis (1)	NT		LP
Knowles, Susan Christine	WA	30.6.91	LP
Lewis, Austin William Russell	Vic.	30.6.88	LP
McClelland, Hon. Douglas	NSW	30.6.88	ALP
MacGibbon, David John	Qld	30.6.91	LP
McIntosh, Gordon Douglas	WA	30.6.88	ALP
McKiernan, James Philip	WA	30.6.91	ALP
Macklin, Michael John	Qld	30.6.88	AD
Maguire, Graham Ross	SA	30.6.91	ALP
Mason, Colin Victor James	NSW	30.6.88	AD
Messner, Hon. Anthony John	SA	30.6.88	LP
Morris, John Joseph	NSW	30.6.91	ALP
Newman, Jocelyn Margaret (3)	Tas.	30.6.88	LP
Parer, Warwick Raymond (2)	Qld	30.6.88	LP
Powell, Janet Frances (5)	Vic.	30.6.88	AD

Members of the Senate—*continued*

Senator	State or Territory	Term expires	Party
Puplick, Christopher John Guelph	NSW	30.6.91	LP
Ray, Robert Francis	Vic.	30.6.91	ALP
Reid, Margaret Elizabeth (1)	ACT		LP
Reynolds, Margaret	Qld	30.6.91	ALP
Richardson, Graham Frederick	NSW	30.6.88	ALP
Robertson, Edward Albert (1)	NT		ALP
Ryan, Hon. Susan Maree (1)	ACT		ALP
Sanders, Norman Karl	Tas.	30.6.88	AD
Sheil, Glenister	Qld	30.6.91	NP
Short, James Robert	Vic.	30.6.91	LP
Sibraa, Kerry Walter	NSW	30.6.91	ALP
Siddons, John Royston	Vic.	30.6.88	AD
Tate, Michael Carter	Tas.	30.6.88	ALP
Teague, Baden Chapman	SA	30.6.91	LP
Townley, Michael	Tas.	30.6.91	LP
Vallentine, Josephine	WA	30.6.88	Ind.
Vanstone, Amanda Eloise	SA	30.6.91	LP
Vigor, David Bernard	SA	30.6.88	AD
Walsh, Hon. Peter Alexander	WA	30.6.88	ALP
Walters, Mary Shirley	Tas.	30.6.88	LP
Watson, John Odin Wentworth	Tas.	30.6.91	LP
Withers, Rt Hon. Reginald Greive	WA	30.6.91	LP
Zakharov, Alice Olive	Vic.	30.6.91	ALP

- (1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
- (2) Chosen by the Parliament of the State of Queensland vice Kathryn Jean Martin, resigned.
- (3) Chosen by the Parliament of the State of Tasmania vice Peter Elliot Rae, resigned.
- (4) Chosen by the Parliament of the State of Victoria vice Alan Joseph Missen, deceased.
- (5) Chosen by the Parliament of the State of Victoria vice Hon. Donald Leslie Chipp, resigned.

PARTY ABBREVIATIONS

AD—Australian Democrats; ALP—Australian Labor Party; Ind.—Independent;
LP—Liberal Party of Australia; NP—National Party of Australia

Second Hawke Ministry

*Prime Minister	The Honourable Robert James Lee Hawke, AC
*Deputy Prime Minister, Attorney-General, Minister Assisting the Prime Minister for Commonwealth-State Relations and Vice- President of the Executive Council	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 and Man- ager of Government Business in the Senate and Minister for Community Services	Senator the Honourable Donald James Grimes
*Minister for Employment and Industrial Re- lations and Minister Assisting the Prime Minister for Public Service Industrial Matters	The Honourable Ralph Willis
*Treasurer	The Honourable Paul John Keating
*Special Minister of State and Leader of the House	The Honourable Michael Jerome Young
*Minister for Finance and Minister Assisting the Prime Minister for Public Service Matters	Senator the Honourable Peter Alexander Walsh
*Minister for Foreign Affairs	The Honourable William George Hayden
*Minister for Education and Minister Assisting the Prime Minister on the Status of Women	Senator the Honourable Susan Maree Ryan
*Minister for Resources and Energy, Minister Assisting the Prime Minister and Minister Assisting the Minister for Foreign Affairs	Senator the Honourable Gareth John Evans, QC
*Minister for Trade and Minister Assisting the Prime Minister for Youth Affairs	The Honourable John Sydney Dawkins
*Minister for Primary Industry	The Honourable John Charles Kerin
*Minister for Housing and Construction	The Honourable Stewart John West
*Minister for Defence	The Honourable Kim Christian Beazley
*Minister for Immigration and Ethnic Affairs and Minister Assisting the Treasurer	The Honourable Christopher John Hurford
*Minister for Social Security	The Honourable Brian Leslie Howe
Minister for Transport and Minister for Aviation	The Honourable Peter Frederick Morris
Minister for Sport, Recreation and Tourism and Minister Assisting the Minister for Defence	The Honourable John Joseph Brown
Minister for Health	The Honourable Neal Blewett
Minister for Science and Minister Assisting the Minister for Industry, Technology and Commerce	The Honourable Barry Owen Jones
Minister for Territories	The Honourable Gordon Glen Denton Scholes
Minister for Communications and Minister Assisting the Minister for Defence	The Honourable Michael John Duffy
Minister for Arts, Heritage and Environment and Minister Assisting the Prime Minister for the Bicentennial	The Honourable Barry Cohen
Minister for Aboriginal Affairs	The Honourable Allan Clyde Holding
Minister for Veterans' Affairs	Senator the Honourable Arthur Thomas Gietzelt
Minister for Local Government and Admin- istrative Services	The Honourable Thomas Uren
*Minister in the Cabinet	

THE COMMITTEES OF THE SESSION

(FIRST SESSION: FOURTH PERIOD)

STANDING COMMITTEES

APPROPRIATIONS AND STAFFING—The President, the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, Senators Elstob, Harradine, Jessop, Mason, Robertson and Sibraa.

DISPUTED RETURNS AND QUALIFICATIONS—Senators Archer, Aulich, Peter Baume, Bolkus, Haines (from 22 September 1986), Colston and Robert Ray.

HOUSE—The President, Senators Bjelke-Petersen, Knowles, McKiernan, Reynolds, Townley and Zakharov.

LIBRARY—The President, Senators Aulich, Devlin, Harradine, Puplick, Robert Ray and Walters.

PRIVILEGES—Senator Childs (*Chairman*), Senators Aulich, Bolkus, Jessop, Macklin, Puplick and Robert Ray.

PUBLICATIONS—Senator Elstob (*Chairman*), Senators Archer, Brownhill, Devlin, McKiernan, Morris and Townley.

STANDING ORDERS—The President, the Deputy President, the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, Senators Cook, Kilgariff, Macklin, Robert Ray, Robertson and Vanstone.

LEGISLATIVE SCRUTINY STANDING COMMITTEES

REGULATIONS AND ORDINANCES—Senator Cooney (*Chairman*), Senators Coates, Giles, Lewis, Vanstone and Withers.

SCRUTINY OF BILLS—Senator Tate (*Chairman*), Senators Michael Baume, Cooney, Crowley, Haines and Newman.

LEGISLATIVE AND GENERAL PURPOSE STANDING COMMITTEES

CONSTITUTIONAL AND LEGAL AFFAIRS—Senator Tate (*Chairman*), Senators Alston, Bolkus, Cooney, Hill and Puplick.

EDUCATION AND THE ARTS—Senator Colston (*Chairman*), Senators Knowles, McKiernan, Newman, Reynolds and Teague.

FINANCE AND GOVERNMENT OPERATIONS—Senator Coates (*Chairman*), Senators Black, Reynolds, Short, Vanstone and Vigor.

FOREIGN AFFAIRS AND DEFENCE—Senator McIntosh (*Chairman*), Senators Aulich, Black, Boswell, Sir John Carrick and Hamer.

INDUSTRY AND TRADE—Senator Childs (*Chairman*), Senators Brownhill, Cook, McKiernan, Parer and Short.

NATIONAL RESOURCES—Senator Zakharov (*Chairman*), Senators Boswell, Crichton-Browne, Devlin, Richardson and Townley.

SCIENCE, TECHNOLOGY AND THE ENVIRONMENT—Senator Jones (*Chairman*), Senators Black, Foreman, Jessop, Townley and Vigor.

SOCIAL WELFARE—Senator Elstob (*Chairman*), Senators Bjelke-Petersen, Crowley, Giles, Messner, Morris, Sheil and Walters.

SELECT COMMITTEES

ANIMAL WELFARE—Senator Georges (*Chairman*), Senators Brownhill, Cooney and Sanders.

HUMAN EMBRYO EXPERIMENTATION BILL 1985—Senator Tate (*Chairman*), Senators Sir John Carrick, Crowley, Harradine, Macklin, Walters and Zakharov.

PRIVATE HOSPITALS AND NURSING HOMES—Senator Giles (*Chairman*), Senators Brownhill, Crowley, Haines, Walters and Zakharov.

TELEVISION EQUALISATION—Senator Richardson (*Chairman*), Senators Aulich, Giles, Lewis, Powell, Puplick, Robert Ray and Sheil.

VIDEO MATERIAL—Senator Jones (*Chairman*), Senators Crichton-Browne, Elstob, Harradine, Walters and Zakharov.

VOLATILE SUBSTANCE FUMES—Senator Robertson (*Chairman*), Senators Kilgariff, Reynolds and Walters.

ESTIMATES COMMITTEES

ESTIMATES COMMITTEE A (Parliament; Industry, Technology and Commerce; Prime Minister and Cabinet; Trade; Science)—Senator Richardson (*Chairman*), Senators Alston, Cook, Jessop, Robert Ray and Short.

ESTIMATES COMMITTEE B (Community Services; Immigration and Ethnic Affairs; Social Security; Health)—Senator Giles (*Chairman*), Senators Peter Baume, Crowley, Elstob, Sheil and Walters.

ESTIMATES COMMITTEE C (Finance; Employment and Industrial Relations; Treasury; Primary Industry; Communications)—Senator Childs (*Chairman*), Senators Boswell, Brownhill, Devlin, Maguire and Parer.

ESTIMATES COMMITTEE D (Education; Housing and Construction; Sport, Recreation and Tourism; Arts, Heritage and Environment; Aboriginal Affairs)—Senator Reynolds (*Chairman*), Senators Cooney, Morris, Newman, Puplick and Teague.

ESTIMATES COMMITTEE E (Resources and Energy; Attorney-General; Special Minister of State; Foreign Affairs; Defence)—Senator McIntosh (*Chairman*), Senators Aulich, Michael Baume, Black, Sir John Carrick and Zakharov.

ESTIMATES COMMITTEE F (Veterans' Affairs; Transport; Aviation; Territories; Local Government and Administrative Services)—Senator Zakharov (*Chairman*), Senators Foreman, McKiernan, Reid, Townley and Vanstone.

JOINT STATUTORY COMMITTEES

- BROADCASTING OF PARLIAMENTARY PROCEEDINGS**—Madam Speaker (*Chairman*), The President, Senators Coleman and Watson, and Mr Brumby, Mr Ronald Edwards, Mr Hicks, Mr Jull and Mr Maher.
- NATIONAL CRIME AUTHORITY**—Mr Griffiths (*Chairman*), Senators Archer, Bolkus, Crowley, Haines (to 17 November 1986), Jessop and Macklin (from 17 November 1986) and Mr Brumby, Mr Duncan, Mr McGauran and Mr MacKellar.
- Public ACCOUNTS**—Senator Georges (*Chairman*), the Chairman of the House of Representatives Standing Committee on Expenditure, Senators Cooney, Dame Margaret Guilfoyle, Maguire and Watson, and Mr Conquest, Mr Downer, Mrs Kelly, Mrs Mayer, Mr Nehl, Mr Price, Mr Rocher (to 23 September 1986), Mr Ruddock, Dr Theophanous, Mr Tickner and Dr Watson (from 23 September 1986).
- PUBLIC WORKS**—Senator Foreman (*Chairman*), Senators Jones and Sheil, and Mr Andrew, Mr Halverson, Mr Hollis, Mr Keogh, Mr Millar and Mr Saunderson.

JOINT COMMITTEES

- AUSTRALIAN CAPITAL TERRITORY**—Mrs Kelly (*Chairman*), Senators Giles, Lewis, Morris and Reid, and Mr Langmore, Mr McArthur, Mr Sharp, Mr Snow and Mr Wright.
- FOREIGN AFFAIRS AND DEFENCE**—Senator Sibraa (*Chairman*), Senators Bolkus, Crichton-Browne, Elstob, Hill, Jones, MacGibbon, Maguire and Teague, and Mr Baldwin, Mr Beddall, Mr Bilney, Mr Campbell, Mr Charles, Mr Coleman, Mr Cross, Mr Gayler, Mr Hicks, Mr Jull, Mr Katter, Mr Kent, Dr Klugman, Mr Lindsay, Mr MacKellar, Mr Peacock, Mr Robinson, Mr Shipton and Dr Theophanous.
- NEW PARLIAMENT HOUSE**—The President and Madam Speaker (*Joint Chairmen*), the Minister for Territories, Senators Colston, MacGibbon, Reid, Reynolds, Sibraa and Withers, and Mr Dobie, Mr Dubois, Mr Lee, Mr Lloyd, Mr McLeay and Mrs Sullivan.

JOINT SELECT COMMITTEES

- AUSTRALIA CARD**—Senator Aulich (*Chairman*), Senators Haines and Puplick, and Mr Blunt, Mr Robert Brown, Mr Brumby, Mr Porter and Mr Saunderson.
- ELECTORAL REFORM**—Senator Robert Ray (*Chairman*), Senators Sir John Carrick, Harradine, Macklin and Richardson, and Mr Blunt, Mrs Jacobsen, Mr Lamb, Mr Lee, Mr MacKellar and Mr Scott.
- TELECOMMUNICATIONS INTERCEPTIONS**—Mr Martin (*Chairman*), Senators Archer, Black, Cooney and Vigor, and Mr Duncan, Mr Lee, Mr McGauran and Mr Ruddock.
- VIDEO MATERIAL**—Dr Klugman (*Chairman*), Senators Harradine, Reynolds, Walters and Zakharov, and Mr Adermann, Mr Grace, Mrs Jacobsen and Mr Jull.

PARLIAMENTARY DEPARTMENTS

SENATE

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

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—R. T. Martin
Acting Assistant Principal Parliamentary Reporter—B. A. Harris
Leader of Staff (Committees)—K. Shearwood
Leader of Staff (Senate)—M. A. R. McGregor
Acting Leader of Staff (House of Representatives)—R. A. Bolitho

LIBRARY

Parliamentary Librarian—H. de S. C. MacLean

JOINT HOUSE

Secretary—M. W. Bolton

THE ACTS OF THE SESSION

FIRST SESSION: FOURTH PERIOD

Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Act No. 164 of 1986)—

An Act to grant land in the Jervis Bay Territory to the Wreck Bay Aboriginal community, and for other purposes.

Affirmative Action (Equal Employment Opportunity for Women) Act 1986 (Act No. 91 of 1986)—

An Act to require certain employers to promote equal opportunity for women in employment, to establish the Office of the Director of Affirmative Action, and for related purposes.

Appropriation Act (No. 1) 1986-87 (Act No. 117 of 1986)—

An Act to appropriate certain sums out of the Consolidated Revenue Fund for the service of the year ending on 30 June 1987, and for related purposes.

Appropriation Act (No. 2) 1986-87 (Act No. 118 of 1986)—

An Act to appropriate a sum out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on 30 June 1987, and for related purposes.

Appropriation (Parliamentary Departments) Act 1986-87 (Act No. 116 of 1986)—

An Act to appropriate certain sums out of the Consolidated Revenue Fund for certain expenditure, in relation to the Parliamentary Departments, in respect of the year ending on 30 June 1987.

Australian Capital Territory Stamp Duty Amendment Act 1986 (Act No. 147 of 1986)—

An Act to amend the Australian Capital Territory Stamp Duty Act 1969, and for related purposes.

Australian Capital Territory Tax (Transfers of Marketable Securities) Act 1986 (Act No. 148 of 1986)—

An Act relating to the imposition of a tax on the registration of certain transfers of marketable securities.

Australian Institute of Multicultural Affairs Repeal Act 1986 (Act No. 161 of 1986)—

An Act to repeal the Australian Institute of Multicultural Affairs Act 1979, and for related purposes.

Australian Institute of Sport Act 1986 (Act No. 103 of 1986)—

An Act to establish the Australian Institute of Sport as a statutory authority.

Australian Institute of Sport (Consequential Provisions) Act 1986 (Act No. 104 of 1986)—

An Act to provide for the dissolution of the company named Australian Institute of Sport in consequence of the establishment of a statutory authority by that name and for related purposes.

Australian Land Transport (Financial Assistance) Amendment Act 1986 (Act No. 162 of 1986)—

An Act to amend the Australian Land Transport (Financial Assistance) Act 1985, and for related purposes.

Australian National University Amendment Act 1986 (Act No. 135 of 1986)—

An Act to amend the Australian National University Act 1946.

Australian Security Intelligence Organization Amendment Act 1986 (Act No. 122 of 1986)—

An Act relating to the Australian Security Intelligence Organization.

Bank Accounts Debits Tax Amendment Act 1986 (Act No. 113 of 1986)—

An Act to amend the Bank Accounts Debits Tax Act 1982, and for related purposes.

Banking Legislation Amendment Act 1986 (Act No. 166 of 1986)—

An Act to amend the Reserve Bank Act 1959 and the Banking Act 1959.

Bills of Exchange Amendment Act 1986 (Act No. 146 of 1986)—

An Act to amend the Bills of Exchange Act 1909, and for related purposes.

Bounty and Subsidy Legislation Amendment Act (No. 2) 1986 (Act No. 119 of 1986)—

An Act to amend certain Acts providing for the payment of bounty or subsidy, and for related purposes.

Bounty (Books) Act 1986 (Act No. 127 of 1986)—

An Act to provide for the payment of bounty on the production of certain books.

Bounty (Ship Repair) Act 1986 (Act No. 128 of 1986)—

An Act to provide for the payment of bounty on the production, by way of repair, of certain ships.

Canberra College of Advanced Education Amendment Act 1986 (Act No. 136 of 1986)—

An Act to amend the Canberra College of Advanced Education Act 1967.

Cheques and Payment Orders Act 1986 (Act No. 145 of 1986)—

An Act relating to cheques and certain other negotiable instruments.

Criminology Research Amendment Act 1986 (Act No. 123 of 1986)—

An Act to amend the Criminology Research Act 1971.

THE ACTS OF THE SESSION—*continued*

- Customs and Excise Legislation Amendment Act (No. 2) 1986 (Act No. 149 of 1986)—
An Act to amend the Customs Act 1901 and the Excise Act 1901, and for related purposes.
- Customs Tariff Amendment Act (No. 2) 1986 (Act No. 97 of 1986)—
An Act to amend the Customs Tariff Act 1982.
- Customs Tariff Amendment Act (No. 3) 1986 (Act No. 150 of 1986)—
An Act to amend the Customs Tariff Act 1982.
- Disability Services Act 1986 (Act No. 129 of 1986)—
An Act relating to the provision of services for persons with disabilities.
- Disability Services (Transitional Provisions and Consequential Amendments) Act 1986 (Act No. 130 of 1986)—
An Act to enact certain transitional provisions and make certain amendments in consequence of the enactment of the Disability Services Act 1986, and for other purposes.
- Environment Protection (Sea Dumping) Amendment Act 1986 (Act No. 141 of 1986)—
An Act to amend the Environment Protection (Sea Dumping) Act 1981.
- Excise Tariff Amendment Act (No. 2) 1986 (Act No. 160 of 1986)—
An Act relating to Duties of Excise.
- Fertilisers Subsidy Act 1986 (Act No. 131 of 1986)—
An Act relating to the payment of subsidy in respect of certain fertilisers.
- Freedom of Information Laws Amendment Act 1986 (Act No. 111 of 1986)—
An Act to amend the Freedom of Information Act 1982 and the Freedom of Information (Charges) Regulations, and for related purposes.
- Health Legislation Amendment Act (No. 2) 1986 (Act No. 94 of 1986)—
An Act to amend various laws relating to health, and for related purposes.
- Home Deposit Assistance Amendment Act 1986 (Act No. 142 of 1986)—
An Act to amend the Home Deposit Assistance Act 1982.
- Human Rights and Equal Opportunity Commission Act 1986 (Act No. 125 of 1986)—
An Act to establish the Human Rights and Equal Opportunity Commission, to make provision in relation to human rights and in relation to equal opportunity in employment, and for related purposes.
- Human Rights and Equal Opportunity Commission (Transitional Provisions and Consequential Amendments) Act 1986 (Act No. 126 of 1986)—
An Act to repeal the Human Rights Commission Act 1981 and to enact certain transitional provisions and make certain amendments in consequence of the enactment of the Human Rights and Equal Opportunity Commission Act 1985.
- Income Tax Act 1986 (Act No. 108 of 1986)—
An Act to amend the Income Tax Act 1986.
- Income Tax Rates Act 1986 (Act No. 107 of 1986)—
An Act to declare the rates of income tax.
- Inspector-General of Intelligence and Security Act 1986 (Act No. 101 of 1986)—
An Act to provide for the appointment of an Inspector-General of Intelligence and Security, and for related purposes.
- Intelligence and Security (Consequential Amendments) Act 1986 (Act No. 102 of 1986)—
An Act to make amendments of various Acts consequential upon the enactment of the Australian Security Intelligence Organization Amendment Act 1986 and the Inspector-General of Intelligence and Security Act 1986, and for other purposes.
- International Financial Institutions (Share Increase) Act 1986 (Act No. 143 of 1986)—
An Act relating to the purchase of additional shares of the capital stock of the International Bank for Reconstruction and Development and of the International Finance Corporation.
- Loan Act 1986 (Act No. 95 of 1986)—
An Act to authorise the borrowing and expending of money for certain purposes.
- Maritime College Amendment Act 1986 (Act No. 137 of 1986)—
An Act to amend the Maritime College Act 1978.
- Medicare Levy Act 1986 (Act No. 110 of 1986)—
An Act to impose a Medicare levy upon certain incomes.
- Navigation Amendment Act 1986 (Act No. 132 of 1986)—
An Act to amend the Navigation Act 1912.
- Nursing Homes and Hostels Legislation Amendment Act 1986 (Act No. 115 of 1986)—
An Act to amend the Aged or Disabled Persons Homes Act 1954, the National Health Act 1953 and the Nursing Homes Assistance Act 1984, and for related purposes.

THE ACTS OF THE SESSION—*continued*

- Overseas Students Charge Amendment Act 1986 (Act No. 138 of 1986)—
An Act to amend the Overseas Students Charge Act 1979, and for related purposes.
- Overseas Students Charge Collection Amendment Act 1986 (Act No. 139 of 1986)—
An Act to amend the Overseas Students Charge Collection Act 1979.
- Parliamentary Commission of Inquiry (Repeal) Act 1986 (Act No. 92 of 1986)—
An Act to repeal the Parliamentary Commission of Inquiry Act 1986, and for related purposes.
- Pig Industry Act 1986 (Act No. 157 of 1986)—
An Act relating to the pig industry.
- Pig Industry (Transitional Provisions) Act 1986 (Act No. 158 of 1986)—
An Act to repeal certain Acts, and to enact transitional provisions, in consequence of the enactment of the Pig Industry Act 1986.
- Pig Slaughter Levy Amendment Act (No. 2) 1986 (Act No. 159 of 1986)—
An Act to amend the Pig Slaughter Levy Act 1971.
- Protection of the Sea Legislation Amendment Act 1986 (Act No. 167 of 1986)—
An Act to amend the Navigation Act 1912, the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 and certain other Acts in relation to the protection of the sea from pollution.
- Public Service Legislation (Streamlining) Act 1986 (Act No. 153 of 1986)—
An Act to amend certain legislation relating to the Australian Public Service, and for related purposes.
- Remuneration and Allowances Alteration Act 1986 (Act No. 105 of 1986)—
An Act relating to certain remuneration and allowances.
- Sales Tax Acts Amendment Act 1986 (Act No. 100 of 1986)—
An Act to amend various Acts relating to sales tax, and for related purposes.
- Sales Tax (Exemptions and Classifications) Amendment Act 1986 (Act No. 98 of 1986)—
An Act to amend the Sales Tax (Exemptions and Classifications) Act 1935, and for related purposes.
- Sales Tax Laws Amendment Act 1986 (Act No. 99 of 1986)—
An Act to amend various laws relating to sales tax, and for related purposes.
- Science and Industry Research Legislation Amendment Act 1986 (Act No. 121 of 1986)—
An Act to amend the Science and Industry Research Act 1949 and the Science and Industry Endowment Act 1926, and for related purposes.
- Sex Discrimination (Consequential Amendments) Act 1986 (Act No. 163 of 1986)—
An Act to make certain amendments in consequence of the enactment of the Sex Discrimination Act 1984, and for other purposes.
- Social Security Amendment (Reciprocity with Italy) Act 1986 (Act No. 152 of 1986)—
An Act relating to social security.
- Social Security and Veterans' Affairs (Miscellaneous Amendments) Act 1986 (Act No. 106 of 1986)—
An Act relating to social security, veterans' entitlements and other matters.
- South Pacific Nuclear Free Zone Treaty Act 1986 (Act No. 140 of 1986)—
An Act to give effect to certain obligations that Australia has as a party to the South Pacific Nuclear Free Zone Treaty, and for related purposes.
- States Grants (Education Assistance—Participation and Equity) Amendment Act (No. 2) 1986 (Act No. 156 of 1986)—
An Act to amend the States Grants (Education Assistance—Participation and Equity) Act 1983, and for related purposes.
- States Grants (Schools Assistance) Amendment Act (No. 2) 1986 (Act No. 155 of 1986)—
An Act to amend the States Grants (Schools Assistance) Act 1984, and for related purposes.
- States Grants (Tertiary Education Assistance) Amendment Act (No. 2) 1986 (Act No. 134 of 1986)—
An Act to amend the States Grants (Tertiary Education Assistance) Act 1984.
- States Grants (Tertiary Education Assistance) Amendment Act (No. 3) 1986 (Act No. 165 of 1986)—
An Act to amend the States Grants (Tertiary Education Assistance) Act 1984, and for related purposes.
- States (Works and Housing) Assistance Amendment Act 1986 (Act No. 124 of 1986)—
An Act to amend the States (Works and Housing) Assistance Act 1985.
- Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 (Act No. 168 of 1986)—
An Act to make various amendments of the statute law of the Commonwealth, and for related purposes.
- Student Assistance Amendment Act 1986 (Act No. 114 of 1986)—
An Act to amend the Student Assistance Act 1973, and for related purposes.

THE ACTS OF THE SESSION—*continued*

Subsidy (Cultivation Machines and Equipment) Act 1986 (Act No. 133 of 1986)—

An Act to provide for the payment of subsidy on the production, or in respect of the importation, of certain cultivation machines and related equipment, and for related purposes.

Superannuation and Other Benefits Legislation Amendment Act 1986 (Act No. 93 of 1986)—

An Act to amend certain Acts and Regulations relating to Superannuation and similar Benefits, and for related purposes.

Superannuation Legislation Amendment Act (No. 2) 1986 (Act No. 151 of 1986)—

An Act to amend the Superannuation Act 1976 and the Superannuation Act 1922, and for related purposes.

Taxation Administration Amendment (Recovery of Tax Debts) Act 1986 (Act No. 144 of 1986)—

An Act relating to the recovery of tax debts.

Taxation Laws Amendment Act (No. 3) 1986 (Act No. 112 of 1986)—

An Act to amend the law relating to taxation.

Taxation Laws Amendment Act (No. 4) 1986 (Act No. 154 of 1986)—

An Act to amend the law relating to taxation.

Taxation Laws (Miscellaneous Provisions) Act 1986 (Act No. 109 of 1986)—

An Act to amend the law relating to taxation.

Trade Union Training Authority Amendment Act 1986 (Act No. 96 of 1986)—

An Act to amend section 20 of the Trade Union Training Authority Act 1975.

Wildlife Protection (Regulation of Exports and Imports) Amendment Act 1986 (Act No. 120 of 1986)—

An Act to amend the Wildlife Protection (Regulation of Exports and Imports) Act 1982, and for related purposes.

THE BILLS OF THE SESSION

FIRST SESSION: FOURTH PERIOD

- Aboriginal Land Rights (Northern Territory) Amendment Bill 1986—
Initiated in the House of Representatives. First Reading.
- Aboriginal Land Rights (Northern Territory) Amendment Bill (No. 2) 1985—
Initiated in the Senate. First Reading.
- Aborigines and Islanders (Admissibility of Confessions) Bill 1986—
Initiated in the Senate. First Reading.
- Advisory Council for Inter-government Relations Repeal Bill 1986—
Initiated in the House of Representatives. First Reading.
- Affirmative Action (Equal Employment Opportunity for Women) Amendment Bill 1986—
Initiated in the Senate. First Reading.
- Atomic Energy Amendment Bill 1985—
Initiated in the Senate. Second Reading.
- Australian Airspace (Nuclear Weapons Prohibition) Bill 1985—
Initiated in the Senate. First Reading.
- Australian Capital Territory Council Bill 1986—
Initiated in the House of Representatives. First Reading.
- Australian Capital Territory Council (Consequential Provisions) Bill 1986—
Initiated in the House of Representatives. First Reading.
- Australian Capital Territory Effective Self-Government Bill 1986—
Initiated in the Senate. First Reading.
- Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983
[1985]—
Initiated in the Senate. First Reading.
- Australian National Maritime Museum Bill 1986—
Initiated in the House of Representatives. First Reading.
- Australian Nuclear Science and Technology Organisation Bill 1985—
Initiated in the Senate. Second Reading.
- Australian Nuclear Science and Technology Organisation (Transitional Provisions) Bill 1985—
Initiated in the Senate. Second Reading.
- Australian Reinsurance Market Bill 1986 (No. 2)—
Initiated in the Senate. First Reading.
- Australian Waters (Nuclear-powered Ships Prohibition) Bill 1985—
Initiated in the Senate. First Reading.
- Australian Waters (Nuclear Weapons Prohibition) Bill 1985—
Initiated in the Senate. First Reading.
- Bounties Bill 1986—
Initiated in the House of Representatives. First Reading.
- Broadcasting Amendment Bill 1986—
Initiated in the House of Representatives. First Reading.
- Collective Agreements (Corporations) Bill 1986—
Initiated in the Senate. First Reading.
- Commission of Inquiry (Chamberlain Convictions) Bill 1984 [1985]—
Initiated in the Senate. First Reading.
- Commonwealth Electoral (Representation of the People) Amendment Bill 1986—
Initiated in the Senate. First Reading.
- Conciliation and Arbitration (Amendment) Bill 1986—
Initiated in the Senate. First Reading.
- Constitution Alteration (Appropriation Bills) Bill 1984 [1985]—
Initiated in the Senate. First Reading.
- Constitution Alteration (Democratic Elections) Bill 1985—
Initiated in the Senate. First Reading.
- Constitution Alteration (Disqualification of Members and Candidates) Bill 1985—
Initiated in the Senate. First Reading.
- Constitution Alteration (Electors' Initiative) Bill 1982 [1983] [1985]—
Initiated in the Senate. First Reading.

THE BILLS OF THE SESSION—*continued*

Constitution Alteration (External Affairs) Bill 1984 [1985]—
Initiated in the Senate. First Reading.

Corporations (Employee-owned Co-operatives) Bill 1985—
Initiated in the Senate. First Reading.

Customs Amendment Bill (No. 2) 1981 [1983] [1985]—
Initiated in the Senate. First Reading.

Customs Amendment (Prohibition of the Exportation of Uranium to France) Bill 1986—
Initiated in the Senate. First Reading.

Customs (Prohibition of Exportation of Nuclear Materials) Bill 1985—
Initiated in the Senate. First Reading.

Customs (Prohibition of Importation of Nuclear Hardware) Bill 1985—
Initiated in the Senate. First Reading.

Defence Amendment Bill 1985—
Initiated in the Senate. First Reading.

Disallowance Provisions Amendment Bill 1986—
Initiated in the Senate. First Reading.

Employee Participation Bill 1985—
Initiated in the Senate. First Reading.

Environment Protection (Impact of Proposals) Amendment Bill 1986—
Initiated in the House of Representatives. First Reading.

Environment Protection (Sea Dumping) Amendment Bill 1985—
Initiated in the Senate. First Reading.

Family Law Amendment Bill 1985—
Initiated in the Senate. First Reading.

Foreign Ownership and Control Registration Bill 1985—
Initiated in the Senate. First Reading.

Foreign Takeovers Amendment Bill 1986—
Initiated in the House of Representatives. First Reading.

Great Barrier Reef Marine Park Amendment (Prohibition of Mining or Drilling Activities) Bill 1985—
Initiated in the Senate. First Reading.

Hazardous Goods Bill 1986—
Initiated in the Senate. First Reading.

Horticultural-Plant Variety Rights Bill 1984 [1985]—
Initiated in the Senate. First Reading.

Human Embryo Experimentation Bill 1985—
Initiated in the Senate. Second Reading.

Income Tax Assessment Amendment Bill (No. 2) 1981 [1983] [1985]—
Initiated in the Senate. First Reading.

Independent and Multicultural Broadcasting Corporation Bill 1986—
Initiated in the Senate. First Reading.

Independent and Multicultural Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Bill 1986—
Initiated in the Senate. First Reading.

Judiciary Amendment (Class Actions) Bill 1986—
Initiated in the Senate. First Reading.

Koongarra Project Area Repeal Bill 1986—
Initiated in the Senate. First Reading.

Liquor Advertising Tax Assessment Bill 1981 [1983] [1985]—
Initiated in the Senate. First Reading.

Liquor Education Fund Bill 1981 [1983] [1985]—
Initiated in the Senate. First Reading.

National Capital Development Commission Amendment Bill 1985—
Initiated in the House of Representatives. Second Reading.

Navigation Amendment (Deregulation of Coasting Trade) Bill 1986—
Initiated in the Senate. First Reading.

Nuclear Non-Proliferation (Safeguards) Bill 1986—
Initiated in the Senate. First Reading.

THE BILLS OF THE SESSION—*continued*

- Nuclear Weapons (Research and Testing) Prohibition Bill 1985—
Initiated in the Senate. First Reading.
- Parliamentary Powers, Privileges and Immunities Bill 1985—
Initiated in the Senate. First Reading.
- Parliamentary Privileges Bill 1986—
Initiated in the Senate. First Reading.
- Petroleum Retail Marketing Sites Amendment (Divorcement of Ownership) Bill 1986—
Initiated in the Senate. First Reading.
- Plant Variety Rights Bill 1986—
Initiated in the House of Representatives. First Reading.
- Privacy Bill 1986—
Initiated in the House of Representatives. Second Reading.
- Privacy (Consequential Amendments) Bill 1986—
Initiated in the House of Representatives. Second Reading.
- Prompt Payment of Commonwealth Accounts Bill 1986—
Initiated in the Senate. First Reading.
- Property Rights Protection Bill 1984 [
Initiated in the Senate. First Reading.
- Queensland Rainforests Conservation Bill 1985—
Initiated in the Senate. First Reading.
- Rainforest Preservation Agreements Bill 1982 []
Initiated in the Senate. First Reading.
- Remuneration and Allowances Amendment Bill 1984 [
Initiated in the Senate. First Reading.
- Sales Tax Assessment (Rebate for Transport Costs) Bill 1981 []
Initiated in the Senate. First Reading.
- Sales Tax (Exemptions and Classifications) Amendment Bill 1984 [
Initiated in the Senate. First Reading.
- Sales Tax (Exemptions and Classifications) Amendment Bill (No. 2) 1986—
Initiated in the Senate. First Reading.
- Social Security (Reparation for Persecution) Amendment Bill 1985—
Initiated in the Senate. First Reading.
- Standing Appropriations Abolition Bill 1986—
Initiated in the Senate. First Reading.
- Standing (Federal and Territory Jurisdiction) Bill 1986—
Initiated in the Senate. First Reading.
- Taxation Systems Reform Bill 1985—
Initiated in the Senate. First Reading.
- Taxation (Unpaid Company Tax) Assessment Amendment Bill 1983 [
Initiated in the Senate. First Reading.
- Tax Avoidance Schemes Bill 1985—
Initiated in the Senate. First Reading.
- Television Licence Fees Amendment Bill 1986—
Initiated in the House of Representatives. Second Reading.
- Trade Practices Amendment Bill 1984 [
Initiated in the Senate. First Reading.
- World Heritage Properties Conservation Amendment Bill 1986—
Initiated in the Senate. First Reading.

Friday, 5 December 1986

The **PRESIDENT** (Senator the Hon. Douglas McClelland) took the chair at 9 a.m., and read prayers.

PETITIONS

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

Social and Economic Needs of Australians

To the President and Honourable members of the Senate of the Australian Parliament assembled. The petition of the undersigned residents of Australia respectfully sheweth:

That we wish to protest at the cutbacks announced in the Federal Budget of August 1986. Large numbers of people live in poverty and many more are now moving in that direction. Gains in education, multiculturalism, welfare and in many other areas that have been important to the Australian people are being eroded and in some cases totally destroyed. Members of the ethnic community have been hit twice as hard by the August budget. They experience the hardship of general economic policies as well as the severe cutbacks that effect services essential to developing equal opportunity and the promotion of multi-culturalism.

We therefore call upon the Federal Government to reconsider the economic direction which it is pursuing and develop economic policies that cater for the needs of all Australians. Specifically such policies must include the following which are vital to the ethnic and general Australian community at large:

The Federal Government to undertake full responsibility to maintain and expand the ESL programme;

Retain the Human Rights Commission;

Retain the Australian Institute Of Multicultural Affairs;

Reinstate funding to the education centres programme;

Maintain the autonomy of SBS Television and Ethnic Radio;

Maintain the branches of the Department of Immigration and Ethnic Affairs in Albury, Wollongong, Newcastle in NSW, as well as the other branches in Victoria and Queensland;

To not introduce Tertiary Education fees;

To maintain the Bill of Rights legislation.

And your petitioners as in duty bound shall ever humbly pray.

by **Senator Vigor** (from 125 citizens).

Petition received.

Anzac Rifle Range, Malabar, New South Wales

To the Honourable the President and members of the Senate in Parliament assembled. The humble petition of the undersigned citizens of Australia sheweth:

1. That over 67,000 men, women and students enjoy the pursuit of their sport and recreation at the Anzac Rifle Range at Malabar and have done so since 1967.
2. The people of Sydney through their membership of 41 clubs headquartered at the Anzac Rifle Range together with a number of other community, school and commercial groups, the police and armed forces will lose this community facility if the Federal Government proceeds to sell the Range to private developers.
3. The Australian Bicentenary Fullbore Rifle Championships are to be conducted at the Anzac Rifle Range in April 1988 as part of the celebration of Australia's Bicentenary.

Your petitioners most humbly pray that the Senate in Parliament assembled should ask the Federal Government to retain the Anzac Rifle Range for the continued use and enjoyment of the people of Australia.

And your petitioners as in duty bound will ever pray.

by **Senator Morris** (from 451 citizens).

Petition received.

Community Work for Unemployment Benefit

To the Honourable the President and members of the Senate in Parliament assembled. The petition of the undersigned citizens of Australia respectfully sheweth that:

1. Australia is one of the few industrial nations which has unlimited access to unemployment benefits without requiring some return to the community;
2. the present method of paying unemployment benefits as "money for nothing" is individually destructive, demoralising and socially unjust;
3. schemes requiring community work to be performed in return for unemployment benefits, such as the Workfare system in the United States, are explicitly endorsed by the International Labour Organisation (ILO) Convention No. 44 on Unemployment;

'Work for the dole' schemes are supported by the overwhelming majority of the community, especially young people, and have recently been supported by the Australian Council of Trade Unions (ACTU).

Your petitioners most humbly pray that the Senate in Parliament assembled should:

Legislate to introduce a system which provides community work which must be undertaken in return for unemployment benefits.

And your petitioners as in duty bound will ever pray.

by **Senator Reid** (from 30 citizens).

Petition received.

Uranium

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

We, the undersigned citizens of Australia, being concerned that the Australian Government, in breach of its own stated policies, has lifted the bans on the sale of uranium to France; demand that the Government re-

impose the bans on such sales, and further, that the Government ratifies and strengthens the South Pacific Nuclear Free Zone Treaty to prohibit uranium sales within the region.

And your petitioners as in duty bound will ever pray.
by **Senator Sanders** (from 34 citizens).

Petition received.

Constitution Alteration Legislation

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

The petition of the undersigned citizens of Australia respectfully showeth:

1. that the result of the recent Queensland State Election, when the National Party received a comfortable majority in Parliament with a bare 39% of the votes, violates the rights of a majority of citizens to elect a government of their choice, and
2. that consequently there is an urgent need for electoral and constitutional reform at Federal and State level.

Your petitioners most humbly pray that the Senate in Parliament assembled, should support the Constitution Alteration (Democratic Elections) 1985 Bill.

And your petitioners as in duty bound will ever pray.
by **Senator Macklin** (from 141 citizens).

Petition received.

Food Irradiation

To the Honourable the President and members of the Senate in Parliament assembled. The Petition of the undersigned respectfully showeth:

That there is widespread community concern about the proposal to Irradiate Food in Australia

Your petitioners, most humbly pray that the Senate in Parliament assembled, should:

1. Block the introduction of food irradiation into Australia and
2. Ban the import of cobalt-60 and caesium 137 and caesium 134 to be used to irradiate food products,

And your petitioners as in duty bound will ever pray.

by **Senator Macklin** (from 2,183 citizens).

Petition received.

Fringe Benefits Tax Legislation

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

We, the undersigned are deeply concerned at the impact of the new Fringe Benefits Tax on the following grounds:

1. its severe and damaging effect on business confidence, investment and incentive, especially in the rural, mining and small business sectors.
2. its capacity to seriously worsen unemployment through the additional costs it imposes.
3. its extremely negative impact on the competitiveness of export industries at a time when the nation

desperately needs to improve its trading performance.

4. in that it may compel many honest and decent citizens to defy Tax in order to preserve their livelihoods, their businesses and the jobs of their employees, thus causing hardship, the breakdown of respect for the law and discord within the community.

We therefore most earnestly petition you to repeal the Fringe Benefits Tax Legislation forthwith.

And your petitioners as in duty bound will ever pray.
by **Senator Brownhill** (from 20 citizens).

Petition received.

Identification Card and Taxation Legislation

To the Honourable the President and members of the Senate in Parliament assembled. The petition of the undersigned citizens of Australia respectfully showeth:

- (1) That we are totally opposed to the introduction of the Labor Government's Identity Card.

(2) That this form of national and compulsory identification will be intrusive, costly for taxpayers and business and will not be effective in combatting the growing problems of tax evasion, illegal immigrants or social security.

(3) That we are deeply concerned at the Labor Government's inability to provide effective and efficient methods to combat tax and social security fraud without resorting to expensive, ineffective and authoritarian measures which are alien to the Australian way of life.

(4) That we call upon the Labor Government to improve management systems within the Australian Taxation Office and other departments to crack down on tax evasion and fraudulent practices.

And your petitioners as in duty bound will ever pray.

by **Senator Messner** (from 81 citizens).

Petition received.

Vasyl Antonovich Kobryn

To the Honourable the President and members of the Senate in Parliament assembled: The petition of the undersigned citizens of Australia respectfully showeth:

That at the time of his arrest by the Soviet authorities, Vasyl Antonovich Kobryn was Chairman of the Action Group for the Defence of the Rights of Believers, and the Church, which formed in the Ukraine in September, 1982, and which has appealed to the Soviet Government to legalize the Ukrainian Catholic Church and to open seminaries in Lvov and Uzhgorod in the Western Ukraine.

That Amnesty International has adopted Vasyl Antonovich Kobryn as a prisoner of conscience, who has been imprisoned for his non-violent exercise of his right to freedom of expression.

And that the Australian Parliament therefore urges the Soviet Government to release him.

And your petitioners as in duty bound will ever pray.

by **Senator Short** (from 233 citizens).

Petition received.

Australian Broadcasting Corporation and Special Broadcasting Service

Senator VIGOR (South Australia)—by leave—I present the following petition, which is not in conformity with the Standing Orders, from 2,231 citizens of Australia opposing the amalgamation of the Australian Broadcasting Corporation and the Special Broadcasting Service:

We the undersigned strongly oppose the merger of SBS (radio and television) with the ABC. We believe the financial reasons for the decision to merge are ill conceived, as evidenced by the Report of the Government's own Connor Committee of Review.

The Ethnic Communities of Australia cannot understand why the Government proposes this merger without any consultation with the communities most severely affected.

The Government must be aware that Ethnic Communities and other Anglo-Celtic Australians will not stand by and watch multi-culturalism in this country being reduced to tokenism.

The amalgamation of SBS and the ABC constitutes the end of autonomous ethnic broadcasting in Australia.

Petition received.

TABLING OF DOCUMENTS

Notice of Motion

Senator CHANEY (Western Australia—Leader of the Opposition)—I give notice that, on the next day of sitting, I shall move:

That there be laid on the Table the documents referred to by Senators Giles and Zakharov in their speeches on the motion for the adjournment of the Senate on 4 December 1986, which documents were used by those Senators to call into question the conduct of other Senators but were not disclosed.

INVINCIBLE COAL MINE

Notice of Motion

Senator PARER (Queensland)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

- (a) deplores the actions of a few militant union leaders at the Invincible Coal Mine at Lithgow which has closed the mine and cost several hundred decent men their jobs and guaranteed their families a very bleak Christmas: and
- (b) condemns the few union leaders who were unable or unwilling to recognise that the \$20m spent at the Invincible coal mine by Austen and Butta Ltd to produce coal competitively could only succeed if outdated and restrictive work practices were removed.

BROADCASTING OF PARLIAMENTARY PROCEEDINGS

Motion (by **Senator Grimes**)—by leave—agreed to:

That the Senate authorise the broadcasting and re-broadcasting by Australian radio and television stations

of sound recordings of excerpts of its proceedings during 1987, subject to the conditions determined for the purpose by the Joint Committee on the Broadcasting of Parliamentary Proceedings.

AUSTRALIAN REINSURANCE MARKET BILL 1986 [No. 2]

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

That leave be given to introduce a Bill for an Act to establish an authority to undertake reinsurance business, and for purposes connected therewith.

Bill presented by **Senator Vigor**, and read a first time.

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

That the second reading of the Bill be an order of the day for the next day of sitting.

AUSTRALIAN REINSURANCE MARKET BILL 1986

Discharge from Notice Paper

Motion (by **Senator Vigor**)—by leave—agreed to:

That the Australian Reinsurance Market Bill 1986 be discharged from the *Notice Paper*.

ABORIGINES AND ISLANDERS (ADMISSIBILITY OF CONFESSIONS) BILL 1986

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

That leave be given to introduce a Bill for an Act relating to the admissibility of confessions made by Aborigines and Islanders and to related matters.

Bill presented by **Senator Macklin**, and read a first time.

Second Reading

Senator MACKLIN (Queensland) (9.08)—by leave—I move:

That the Bill be now read a second time.

I seek leave to incorporate my second reading speech in *Hansard*.

Leave granted.

The speech read as follows—

Some honourable senators will recall that in 1976, 1978 and 1981 Senator Bonner introduced a Bill dealing with the issues and problems addressed in this Bill.

Sadly, the circumstances which led to Senator Bonner introducing legislation still exist today. For that reason I am introducing this Bill and I hope that on this occasion the Bill becomes law at the earliest possible time.

The facts are tragic and stark. Despite almost two decades of professed concern, discussion, remedial proposals and financial support, the disadvantaged position of Aborigines and Is-

landers in the Australian criminal justice system has not improved. If anything, it has deteriorated. Aboriginals and Islanders still appear in disproportionately greater numbers in court; they still apparently operate at a procedural disadvantage; they still figure in prison statistics at an alarmingly high rate. The current campaign concerned to get an inquiry into Aboriginal deaths in custody adds to the urgency of my move.

Aboriginals and Islanders are forced to operate within a judicial system which to many of them is totally alien. It is a system which is based entirely on European values, customs and culture and which is inevitably and heavily weighted against them. As the government-destroyed National Aboriginal Conference observed in their policy document:

An imported legal system has been a constant instrument of oppression and today the most powerless section of Australian society is the most disadvantaged by law. In addition, the low socio-economic status of Aboriginal people, the lack of employment, deficiencies in police understanding of Aboriginal lifestyles, a discriminatory rate of imprisonment, and a lack of understanding of the importance of customary law has led to a critical state of discrimination against Aboriginal people in the framing and enforcing of Australian law.

The difficulties confronting Aboriginals and Islanders in situations of interrogation and arrest have been recognised repeatedly in a range of reports, but there has been no definite, direct action to remedy the situation.

As the Australian Law Reform Commission has demonstrated, there is a need for special protection of Aboriginal and Islander suspects, despite the general rules and safeguards existing in the law. Difficulties of communication and comprehension are very real for many Aboriginals and Islanders, especially those with difficulty communicating in other than their own language.

Another difficulty is the Aboriginal attitude to authority, which can lead to a propensity to give answers thought to be acceptable. Different concepts of time and distance may lead to misun-

derstandings when the police are attempting to determine precise details. Problems can arise where there is a conflict between police questioning and inhibitions arising directly from Aboriginal customary law. There is also no doubt that Aboriginals are treated differently by the police in some areas. Some or all of these factors combine to produce the present imbalance in our society.

Of previous proposals for change, it is significant that all of them have recommended, subject to various qualifications, that Aboriginals should only be interrogated by the police in the presence of a 'prisoner's friend'. There have also been recommendations that whenever Aboriginals are arrested for an offence the local Aboriginal legal service should be notified. These safeguards have been incorporated in this Bill, along with some other improvements after consultation with Aboriginal organisations.

I cannot stress too strongly the need for additional protection for Aboriginals and Islanders in the investigatory process. The urgency of the situation also needs to be reiterated. It is quite shameful that this discrimination still exists in Australia and the contents of this Bill merit the unanimous support of all senators. I commend the Bill to the Senate.

Debate (on motion by Senator Grimes) adjourned.

REGISTRATION AND DECLARATION OF SENATORS' INTERESTS

Postponement of Notices of Motion

Motion (by Senator Grimes for Senator Button) agreed to:

That Government Business notices of motion Nos 1 to 3 standing in the name of the Leader of the Government in the Senate be postponed until the next day of sitting.

BILLS: REFERRAL TO STANDING COMMITTEES

Senator HAMER (Victoria) (9.10)—I move:

That the following Bills be referred to Standing Committees for report by the dates specified:

<i>Bill</i>	<i>Standing Committee</i>	<i>Date of Reporting</i>
Australian National Maritime Museum Bill 1986	Education and the Arts	15 March 1987
Foreign Takeovers Amendment Bill 1986	Industry and Trade	17 February 1987
Aboriginal Land Rights (Northern Territory) Amendment Bill 1986	National Resources	17 February 1987.

The purpose of this is obvious and I will not delay the Senate by expounding on it at length.

The purpose is to achieve public input and public examination of the legislation we are passing.

The advantages of having a public examination of the policy aspects and, perhaps even more importantly, public suggestions on unintended consequences that quite often occur in legislation we unwittingly pass are that examination in this way would avoid such consequences. Our legislative and general purpose standing committees have been set up for 15 years and we are referring only two or three Bills a year out of the 200 or so this Senate passes. In my view that is not nearly enough and we are not doing our job as a legislature effectively.

Governments, of whatever colour, always oppose the close examination of their legislation. One has to accept that as a fact of life but I do not think we as a legislature should accept that. In the past there have been two criticisms of this proposal. One is that it would delay the legislation, which is why these Bills have been picked. They are Bills the Government does not propose to bring on in this session. It is proposed that there be a report back on two of the Bills on the first sitting day in February and that the committee considering the Australian National Maritime Museum Bill 1986 be given a slightly longer time because it is slightly more complex—until 15 March. That Bill cannot sensibly be brought on before then because there is a parallel inquiry going on—the Pigott Committee of Inquiry on Museums and National Collections—into the whole structure of museums. It would be absurd to bring on this Bill before that inquiry was completed. I do not think any suggestion of delay is justifiable.

When I moved a similar motion at the end of last session it was suggested that the committees would be unable to cope, that they were locked into their other activities and could not deal with legislation. Legislation will always be referred to these committees at short notice and it is absurd if they so lock themselves into other inquiries that they cannot fulfil the legislative purpose for which they were set up. To avoid that possibility, I gave notice on 21 August of my intention possibly to refer such Bills at the end of the session. Therefore, the committees have had ample warning of the possibility that such Bills would be referred to them and no doubt have organised their affairs accordingly.

Senator COLSTON (Queensland) (9.13)—I rise to oppose the motion moved by Senator Hamer. I do so on a number of grounds which I will expound shortly. First of all, I point out that when it was proposed that the Australian National Maritime Museum Bill 1986 be referred to the Senate Standing Committee on

Education and the Arts, which I chair, there was no consultation between Senator Hamer and me. I would have thought that it would have been normal courtesy for Senator Hamer to come to me prior to notice of motion being given yesterday and mention the matter to me. I heard of the matter, as we often hear of matters around this place, because of gossip that was going on in the corridor. I point out that Senator Hamer did not pay me the courtesy of even consulting with me to see whether there were any problems about this.

The Australian National Maritime Museum Bill 1986 has had no controversy. There has not been any public controversy about it. There has not been any controversy within the Parliament. It has not been debated at all in this chamber.

Senator Puplick—Then how do you know that there is no controversy?

Senator COLSTON—It has not been debated at all in this chamber. If it had been debated in this chamber and there were conflicts and the chamber decided that it should go to a committee, so be it. It has not been debated here, we do not know whether there is controversy within this chamber, and therefore, under these circumstances, it is a folly to refer to a committee a Bill about which we do not know whether there is any controversy, especially when we consider what this is going to mean to the public purse. As I will show later, it could cost the public purse over \$10,000 for the Committee to look at this particular reference, and that is \$10,000 which I think could be more wisely spent in other ways. When the notice of motion was given yesterday I did not know what its purpose was, whether it was proposed that we examine the Bill and decide its intent—

Senator Chaney—You just want to take the summer off like the rest of the Queensland ALP.

Senator COLSTON—If Senator Chaney wants to carry on with his stupid interjections in the way he always does, he may continue to do so, but I will disregard him. If he wants to get up later and make his point of view known, I invite him to do so. I did not know whether we were to examine this Bill and decide on its intent or whether we were to examine the wording of the Bill to determine whether it would give effect to the intention of the Bill. If those two matters were all that we were to look at, it would probably require only one meeting of the Committee and then we would be able to bring down the report. However, from the comments that were made by Senator Hamer this morning, I understand that there has to be some public

input and examination. In that respect, it looks as if the Committee would have to advise whether this is the appropriate legislation and inquire into the Bill's acceptability among interested parties.

The inquiry into the Bill by interested parties raises a number of practical considerations. The first major practical issue is the availability of members to attend meetings. Members of the Senate Standing Committee on Education and the Arts have already indicated that their commitments during the recess would make it difficult to obtain a quorum for a meeting until early February. The Committee would have to meet privately to decide how to proceed with the reference. The Committee has scheduled a public meeting for 16 December and I suppose that its members would be able to meet privately on that day. Other committees may have greater difficulties in arranging a special meeting, but I leave that to any other senators who might wish to speak.

If the Committee proceeds with this inquiry in the same way as it has done with other legislation referred to it, it will seek submissions from interested parties and conduct a public hearing. How do we seek submissions? Usually this is done by direct invitation and by advertisements in the Press. It would not be possible to place Press advertisements before the third week in December. Sufficient time would then have to be given for interested parties to make submissions. Given that the Christmas recess and the New Year intervene, it would not be realistic to expect submissions before the end of January. Moreover, it may be difficult to contact appropriate potential witnesses at this time of the year and to have them appear at public hearings. In any event, the Committee would not be able to hold any public hearings until early February. The Committee has already scheduled a public hearing on another reference on 12 February 1987.

I wish to mention something about public hearings. Given that the Committee would not be able to hold a public hearing until February 1987, this would leave little time for the preparation and printing of the report. It is worth noting that the Government Printer usually takes about a fortnight to produce a camera ready report. Of course, a report could be produced with our own duplicating service. Additionally, the Committee would have to meet at least once to consider the Chairman's report. I will tell the Senate what happened last time we had to produce a chairman's report when a reference was

given to this Committee and the report had to be brought down by the first week of sitting of this Budget session. During that time I lost my committee secretary, who had to go overseas with a delegation; I lost one research assistant who took up a position elsewhere within the administration of the Senate; and I lost a stenosecretary, which meant that the only staff I had available for some part of the time was a research assistant. In other words, at that time a research assistant and I had to bring down the report. We did so but only after asking for a week's extension of time. The research assistant and I brought down the draft report which went to the Committee and this was accepted with only a few modifications. These are the sorts of practical problems that we have.

I would like to say something about the costs. If the Committee were to advertise, as it seems that we will have to do, and proceed to public hearings, I have estimated that the cost of the exercise would be \$14,500. If honourable senators are interested, I can outline why it would cost \$14,500—\$14,509, to be exact. If a sum of \$14,500 is to be spent, I think that it should be spent on an issue on which this Senate or members of the public themselves have indicated that there is some controversy so that we are given some indication of where we are to go with a particular Bill.

If this motion is passed by the Senate, I would expect all members of the Senate Standing Committee on Education and the Arts, especially those opposite who will vote for this motion, to attend all meetings and to assist in every way possible including in the preparation of a draft report—not as happened last time when a matter was proposed to us by the Senate, and when on a number of occasions it was very difficult to have anybody from the Education and the Arts Committee to assist. I oppose the motion on the grounds I have raised. I urge all honourable senators to look at this legislation to see whether they feel that it is really worth while proceeding in this way.

Senator PUPLOCK (New South Wales) (9.22)—For Senator Colston to tell us that one of the principal reasons that we should not refer a Bill to a committee is that it will cost \$14,500 comes as an extraordinary statement, until he is prepared to tell us how much it cost to have the inquiry into whether his mate was to be allowed to broadcast Queensland racing details. That was the last stunt that was pulled by Senator Colston.

Senator Colston—I raise a point of order, Mr President. I submit that it was a direct reflection

on my integrity to say that I proposed an inquiry to see whether my mate could broadcast racing in Queensland. It is an utter untruth that I did anything for anybody who was supposed to be my mate. I ask that that reflection be withdrawn.

The PRESIDENT—Order! I ask Senator Puplick to withdraw any imputation against Senator Colston contained in his statement under standing order 418.

Senator PUPLOCK—I withdraw any imputation that Senator Colston would do anything for his mates.

The PRESIDENT—Order! I ask Senator Puplick to withdraw unreservedly.

Senator PUPLOCK—Mr President, I withdraw. The question that I was raising, however, was whether Senator Colston is prepared to tell the Senate what was the cost of the last inquiry that his Committee, the Standing Committee on Education and the Arts, undertook and to say whether in purely financial terms such an inquiry was justifiable on the basis on which he has said that the inquiry proposed by Senator Hamer's motion is not justifiable.

Senator Colston says that there was no consultation by Senator Hamer with him about this reference. Nevertheless, Senator Colston was informed, I understand by Senator Newman, that this matter was to be proceeded with. Apart from that, one clearly knows that the Australian Labor Party has adopted a principle in this chamber of seeking to ensure that no pieces of legislation are referred to committees if it can possibly avoid it because it does not want to have the Senate committee system operate as effectively as it should. As a result we know precisely what Senator Colston's attitude has been on this piece of legislation, and indeed on all other references.

It is absolutely appalling for Senator Colston to say that he cannot possibly call a meeting together. He said: 'I cannot convene a quorum of members. I cannot manage my research assistants. I cannot manage the secretariat. I cannot call meetings. I cannot place advertisements in the Press'. It breaks one's heart to hear this endless litany of Senator Colston's incompetence as Chairman of one of the Senate standing committees. He said: 'We cannot possibly do this. We might take until early February'. If one looks at the *Notice Paper*, one sees that the reporting date is not until 15 March. So even if his concern was that he did not want to interrupt his Christmas holidays to attend to his

Senate duties, he at least would be able to do it after the Parliament had resumed in February.

He tells us that one cannot possibly have things camera-ready, that it takes forever to get them printed. The Standing Committee on Constitutional and Legal Affairs, which is chaired with great skill and great ability by his colleague Senator Tate, who undoubtedly could give him some lessons in this matter, managed yesterday to produce two reports—one on the annual report of the High Court of Australia and one on the special reports of the Commonwealth Ombudsman into the Cotton case and the Industrial Sugar Mills case. It took less than 24 hours to produce them, by the time they were typed up. They were tabled in this Parliament without any difficulty. I suggest that what we ought to be looking at is getting somebody to chair the Standing Committee on Education and the Arts who is actually competent enough to do the job.

As far as the actual matter is concerned, Senator Colston says that there is no controversy. I presume that he has not bothered to look at any of the discussions which went on during Estimates Committee D hearings over a number of months on this matter. The director of the proposed maritime museum appeared before that Committee. There were a number of points of controversy about the museum regarding its planning, its legislation, its integration with the Pigott Committee of Inquiry on Museums and National Collections, about how it fits within the Government's overall scheme for the Stockman's Hall of Fame, the proposed aviation museum, the Museum of Australia and the National Film and Sound Archive. There are questions about its acquisition powers and the structure of the board. Some of us who are actually interested in these matters have discussed them with Mr Dix and Mr Sergi, the Interim Director of the proposed maritime museum, have had a look at what is happening on the site and have taken a real interest in this matter. Questions have arisen, but Senator Colston says: 'This is not a matter of controversy. Of course, at the same time, I must tell the Senate that it has never been debated. Therefore, I know that it is not a matter of controversy on the basis that it has never been debated or discussed. But I think I can make that assumption despite the fact that evidence heard by Estimates Committee D is quite to the contrary'.

Full notice of the motion moved by Senator Hamer was given yesterday. If Senator Colston was genuinely concerned as to whether or not there was controversy about the Australian Na-

tional Maritime Museum Bill, he could have taken the time, if he was seriously interested in the matter, to look at what occurred during Estimates Committee D hearings, the debate which took place in the House of Representatives, and a number of other matters. He would have seen that there are certainly points within this inquiry which it would be worthwhile for the Senate Committee to look at, particularly within the overall framework of the Pigott inquiry and the fact that the date of 15 March gives him a full month to conduct what one would suspect would be a fairly brief committee hearing, and it could take place at any time after the Parliament resumes in February. The limited number of Bills which Senator Hamer has moved to have referred to committees indicates the extent to which Senator Hamer in his motion was simply prepared to analyse the significant pieces of legislation which might be looked at, so that the so-called 'unintended consequences' could be examined by the Senate committees with fairly short reporting dates, as a method of making effective use of the Standing committees' need to examine legislation, which is one of the purposes for which they have been established.

There is absolutely no basis for putting a case in this chamber for Senator Colston or anyone else to say 'Please don't refer these Bills to the Committee. I admit to all of my colleagues in the Senate that I, as Chairman of the Committee, am too incompetent to handle the reference. Don't put me under any pressure. Don't expose me any further on this matter, because for heaven's sake, one of the groups of people who might end up learning something about this will be my own preselection committee. The more they know about my capacities in this place, the less likely they are to re-endorse me', and how right he is.

Senator COLSTON (Queensland)—Mr President, I claim to have been misrepresented and wish to make a personal explanation.

The PRESIDENT—Senator Colston may proceed.

Senator COLSTON—It is not possible for me to respond to all the statements that Senator Puplick made but Senator Puplick said that I had been informed by Senator Newman previously about this matter. Mr President, I had not.

Senator ZAKHAROV (Victoria) (9.31)—I shall be as brief as possible. Speaking as Chairman of the Standing Committee on National Resources, I want to add a little to what Senator Colston said. Not only is the cost likely to be in the order of an estimated \$14,000 but also I can see that cost being for a nil return. There are

very great practical difficulties for my Committee because the membership is spread from Queensland to Tasmania to Western Australia. I think it is probably impossible to get that Committee, or even a quorum of that Committee, together before 17 February, which is the first day of the next sitting. As with the Senate Standing Committee on Education and the Arts, which Senator Colston chairs, my Committee has been very short staffed. At one stage recently we were operating with one new, inexperienced research officer. We will not have a secretary to the Committee until early February. I think the proposal is totally impractical.

Apart from that, even if a meeting could be arranged I doubt that anything meaningful could be worked out in that time or added to the debate, particularly in the case of this reference which I do not think is even relevant to the National Resources Committee. I do not know whether it has any relevance—or very little—to another committee. Obviously the matter is being pushed in our direction because at present we are looking at the national resources of the Kakadu area. Land rights is only a peripheral issue in that area. Land rights do not apply only to the Northern Territory; they apply to the whole of Australia. I think the proposal is totally impractical and it should not be proceeded with.

Senator NEWMAN (Tasmania) (9.33)—I am a member of the Senate Standing Committee on Education and the Arts. I would like to make some comments on matters which were raised earlier this morning. I am very concerned about Senator Colston saying that he was not advised by me that this matter was to be proposed. I discussed the matter with my colleagues earlier this week and as a result I telephoned the secretary of this Committee, whom I believe to be a most excellent secretary. Contrary to what Senator Colston has, I think, implied, we have been extremely well served by our staff. Nevertheless, I advised the secretary that I would support this motion before the chamber. The secretary advised me that I was not the first Opposition senator who had contacted him, that Senator Teague had done so already. I told the secretary that the purpose of my phone call was to ask him formally to advise the Chairman that this matter would be raised. For the Chairman to say, as he said earlier this morning, that he had heard it in the corridors—I forget the exact expression he used; it was something to do with gossip that one gets in the corridors—was quite untrue and totally unfair to our most excellent staff.

I also take great exception to Senator Colston's comments regarding a quorum. As he knows only too well, for many months this Committee has been able to operate only by my two colleagues and me providing him with a quorum, meeting after meeting. That Committee would not have sat at all if it had not been for the loyal support which the Chairman has received from my colleagues and me. I take great exception to the way he has referred to us today. I am very sad about the current state of affairs because I feel that the extremely good working relationship we have had with our Chairman seems to have disintegrated lately after he lost a vote and adjourned a meeting abruptly. That may have something to do with the tension he is currently facing and I regret it. But I feel it is very important that slurs on me, my colleagues and the staff who serve this Committee should immediately be dispelled. They should be dispelled not only by me but also by the Chairman who has seen fit to use this chamber to cast such slurs.

Senator CHILDS (New South Wales) (9.36)—I want to speak very briefly in this debate to oppose the proposal. Clearly, it is the morning after the night before and there is a very stropy sort of atmosphere in the chamber. It is unfortunate that we are not looking at this problem a little more objectively. If honourable senators looked at it they would see that the only way a significant change would work would be for the Senate to allow time for committees to look at Bills in exactly the same way as matters are sent to Estimates committees. If the system is to work it should work in that way. Many honourable senators want to replicate the system which operates in the House of Representatives. The simple fact is that it is very difficult for the Senate to try to have every debate that the House of Representatives has and, at the same time, have additional committee work. I suggest to those honourable senators who want a qualitative change that they should have a look at that aspect of it.

As far as I am concerned the problem is a question of resources and staff. The Senate Standing Committee on Industry and Trade has a major reference to inquire into the manufacturing industry. We are prepared to go. Meetings are set for the first and second weeks of February. A piecemeal approach at this stage to the program that we have will impose difficulties on us. I do not wish to speak at great length. If the idea has merit it is unfortunate that a matter such as this is always dealt with when we are approaching the Christmas period. In the case

of my Committee, if there were to be a public debate with people coming before it there would be pressure on members of that Committee. In view of the nature of the inquiry we are conducting I think that would detract from the work that we have to do.

Senator CHANEY (Western Australia—Leader of the Opposition) (9.38)—I thank Senator Childs for what I think was a much more constructive contribution to the debate than we had from the Chairman of the Senate Standing Committee on Education and the Arts, Senator Colston. Whilst I regret that, in the end, Senator Childs said that he would oppose the reference, I think he raised matters which are relevant to the request which has been made by Senator Hamer in his motion and I welcome what I think was a very sensible contribution to the debate. I wish to make it clear that the motion which was moved by Senator Hamer has the support of the Opposition. It is part of a series of attempts which have been made by the Opposition to increase the legislative capacity of this chamber. It is not a matter where we see ourselves as gaining a political advantage; we see it as an area where procedures need to be changed to improve the legislative functioning of this Parliament.

I accept that there will usually be a reluctance on the part of the Government to see legislation given greater scrutiny but it is my personal view that that is a mistake. I think the greater exposure of legislation might cost \$14,000, or whatever was the estimate we got from the Chairman of the Committee on Education and the Arts, but I think the cost of effective legislation to the Australian community is much greater. I believe it is important that we should be trying to give legislation greater exposure and more careful consideration away from the political atmosphere of this chamber.

The difficulty the Opposition has is that, whatever way we approach this matter, there seems to be an objection. On this occasion we have chosen only three Bills which will not be delayed because they will not be dealt with until next year anyway. We have put this motion forward as a further attempt to experiment in an area in which we believe there has been insufficient experimentation in the past. I think Senator Hamer said that we have done no more than refer one or two Bills a year for consideration of this sort since these committees were established. Usually, that reference has been because of the high political content of the legis-

lation and it has not been done as a legislative exercise.

Senator Colston described the first of the Bills before us as non-controversial although Senator Puplick indicated that there were some aspects of it that he thought warranted concern and consideration. There is a much greater degree of bipartisanship in the area of foreign takeovers than has existed in the past, but it is an important area and it would be interesting to see what the Senate Standing Committee on Industry and Trade would make of it. I note the very constructive approach that the Industry and Trade Committee has taken on the question of manufacturing industry, which has been mentioned by the Chairman of that Committee in the debate today. I for one would think that we would get some value if that group were to look at foreign takeovers in a quiet, non-partisan way before we debate the Foreign Takeovers Amendment Bill in this place.

Aboriginal land rights is a much more different subject but, given the extraordinary changes of direction of the Government in this area over the last three years, I would have thought there was a very good argument for subjecting the Aboriginal Land Rights (Northern Territory) Amendment Bill to some examination away from the highly charged political atmosphere which tends to develop in this place when we discuss topics relating to Aboriginals.

I regret that this proposal has meant another hour virtually being taken out of a program that is very heavy. We have very important legislation such as the Australia Card Bill 1986 to debate later today, we hope. One of the reasons I wanted to speak is that the Australian Democrats, who in the end will have the opportunity to declare their position on this matter, might consider the series of attempts which have been made to get Bills to committees and reflect upon the fact that whatever approach is adopted there always seems to be a reason for not doing it, unless there is a political reason for taking a Bill at a particular time. I say very seriously to this chamber that I hope we will get sufficient support from the Independents to enable us to try this in a more—

Senator Georges—You cannot do it in isolation. You have got to do it within the sitting hours of the Senate.

Senator CHANEY—I do not wish to prolong the debate by picking up every interjection, but Senator Georges, like Senator Childs, has made a perfectly sensible point about the need to adjust the way we do our business if we are to

get substantially into this area. I would agree with that, but I suggest that there is no point in doing a whole revision of the way we sit until we have done at least a few trial runs to see whether we can produce the sorts of results that many people on both sides of the chamber believe we could by these committee references. I for one would accept that if we did this on a broader scale we would need to relook at our sitting patterns. As Senator Childs said in his contribution to the debate, we had done that for Estimates committees. I assume that Government senators are totally bound to oppose this motion and I therefore do not want to waste time making appeals which are effectively meaningless. However, I say to the Australian Democrats that I—

Senator Haines—Don't bother with us either.

Senator CHANEY—The Leader of the Australian Democrats sadly says: 'Don't bother with us either'. I can only rely on the non-caucus nature of the Democrats' vote and appeal to honourable senators other than the Leader of the Australian Democrats to show a bit of gumption in this matter and to demonstrate that they are interested in better legislation. I would hope that we will get from at least some of the Australian Democrats and the Independents a preparedness to give these references a try. Nothing will be lost except perhaps a number of days of the summer holidays which people have been talking about, I think to our very great disadvantage. The idea that we all go on holidays between now and February is a very misbegotten idea indeed and we should not be putting it abroad. I hope that the very limited number of references which have been put forward by Senator Hamer will receive the support of this chamber.

Senator ELSTOB (South Australia) (9.44)—I oppose Senator Hamer's motion to refer the Australian National Maritime Museum Bill 1986, the Foreign Takeovers Amendment Bill 1986 and the Australian Aboriginal Land Rights (Northern Territory) Amendment Bill 1986 to standing committees, and I do so for a number of reasons. I chair the Senate Standing Committee on Social Welfare.

Senator Hamer—There is no reference to Social Welfare.

Senator ELSTOB—Let me at least explain, and I think the Senate may take a little notice of what I have to say. We looked at a reference on children out of home care. We were half way through that reference when Senator Messner moved a motion in the Senate that the Commit-

tee also look at a system on retirement incomes. I normally would have appreciated that, but when committees are half way through a reference and are asked to look at another very important reference, I do not believe that they can do justice to both of them. I ask the Senate to think about that.

The retirement income systems reference has been held up. It is a very important reference to the Senate Standing Committee on Social Welfare. The report on it will be put down in the first week after Parliament resumes in February. In my estimation it has been a very difficult reference. Senator Haines served on the Committee for a period. It has been a very exhausting reference. Many members of the Committee have worked extremely hard on it. I cannot talk highly enough of our staff in that respect. If a committee has two references running together, it cannot control both references. That is the difficulty. I ask the Senate to look at the possibilities of what it is doing. If the Executive or the Opposition wants to turn the Senate standing committees into a political football, it will destroy the benefit gained from them. In the past they have been invaluable.

We should be looking at what is going on in our community. Many things in our community are not right. As I said, our Committee is looking at retirement income systems. A report on that will be put down. I consider it to be a very important reference. There are other potential references. There are social questions to be examined. Look at what is happening in our family courts. If the Executive or the Opposition wants to turn this into a political football, what is the Senate going to do? We have Senate standing committees, Senate select committees and Estimates committees. The Senate will lose power if we send Bills to standing committees. The Senate, as a whole, should be looking at these matters. That is a most important point. This is done in the Estimates committees. I believe Senate committees are invaluable. They should be looking at what is wrong in our society and reporting to the Government and to the public. If we do not do that, we are not doing our job.

We should be very careful of what we are doing in this area. It may be of advantage to the Opposition or to the Executive to do this now, but that is not what the Senate should be about. We should be increasing the investigative powers of committees. The resources of the committees are insufficient. I believe that that should be looked at. Any party can find itself in opposition at any time—governments come and go. If we

do not retain the independence of the Senate committees, we will regret it. It may be of advantage to members of the Opposition to do this now. It may embarrass the Government by doing so, but in the long term the benefit is not there. I ask the Senate to really look at this matter. The Senate should not give up its right to operate as a whole. We operate as a whole in the Estimates committees. By sending Bills to standing committees we are blocking out contribution by a large part of the Senate. We are here to look at Bills, report to the public and report to the Government and be honest about it. I can honestly say that I have not been influenced by the Government on this. I would not take advice on this. The Senate committees are important. They should not be influenced by opposition or government. We are the Parliament and that is the way to work. I ask the Senate to reject this motion.

Senator MACKLIN (Queensland) (9.50)—We are debating a motion by Senator Hamer to send three Bills to a variety of standing committees. Senator Hamer has had an almost one-person campaign on this for a number of years, and I congratulate him on his willingness to press on with it. It is one of a variety of suggestions for reform in the operation of the chamber and its committees which, unfortunately, the Senate seems to be totally incapable of grasping or working with. From time to time I have put up a range of proposals, all of which were said to be too radical, too far reaching, 'cannot be done today' 'must be put off until tomorrow', et cetera. We carry on with the absurd exercise, in which we are involved today, of jamming incredibly important Bills into the end of the session whereas in the middle of the session we waste days upon days debating trivial Bills so that people can air their personal grievances or have a personal slash at somebody across the chamber.

If we are not capable of running this chamber, I do not know how people outside can think that anybody in here is capable of running the country. We see the type of operation that brings this chamber into disrepute; it is operating today. We will probably be sitting here until late tonight or early tomorrow morning. Again, it will be legislation through exhaustion. There needs to be reform and a better way of dealing with legislation. Honourable senators acknowledge that but there seems to be a complete lack of will to do anything about it.

Unfortunately, this proposal runs into exactly the same difficulties. The allocation of moneys for committees was cut this year. This year we

have fewer dollars to spend on committees than we had last year. We have more committees operating this year than last year and what is now being asked is that we spend a few of the precious dollars available on the same type of exercise. Quite frankly, I find it very difficult to line up, for example, the first Bill, the Australian National Maritime Museum Bill—which Senator Chaney informed me was non-controversial and Senator Puplick informed me was highly controversial—with an amendment circulated by the Opposition parties to the second reading of the ABC/SBS Amalgamation Bill, which amendment inserts after 'That' the following words:

- (a) these Bills not be read a second time;
- (b) a merger of the ABC and the SBS not proceed without explicit legislative authority; and
- (c) the Standing Committee on Education and the Arts report on the Government's reasons . . .

That seems to us to be a pretty important item for the Standing Committee on Education and the Arts to be concerned with. As Senator Childs has said, we are engaging in a number of cross-references and operations in an ad hoc way.

We had a similar debate last year and I proposed at that stage that what was required was a rationalisation of the committees, probably a collapsing of the standing committees and the Estimates committees, an expansion of those subsequent committees to cover all of the portfolio areas—we do not do that at the moment—and then a restructuring of the way that the Bills are debated in this place so that there is a committee reference on possibly most Bills prior to debate in this chamber. A number of chambers around the world engage in a similar procedure. We seem to be incapable of moving from a system which has operated for so long and which now, fairly obviously, is not capable of proper scrutiny of legislation. We do not believe that the proposition put forward is the way to go. We believe that there needs to be much more comprehensive movements. I have looked at the *Hansard* and see that I said last year that a move along the line proposed is likely to kill any move. I must admit that I find that argument getting less and less persuasive, even to me. It seems that no move will ever occur on anything in this place.

The other problem that I have with Senator Hamer's motion is not with its substance or with the desire that he has for some type of reasonable reform. It relates to the fact that the Education and the Arts Committee will already be burdened—we hope successfully—by an inquiry into the merger of the Australian Broadcasting

Corporation and the Special Broadcasting Service, which we believe is a vitally important item for that Committee to look at. We already know that the Standing Committee on Industry and Trade is proceeding with a very important reference relating to manufacturing industry in this country. That is something which cannot be put aside and which we know is absolutely vital in terms of all the economic arguments that we have heard.

The last item in the motion, involving reference of the Aboriginal Land Rights (Northern Territory) Amendment Bill to the Standing Committee on National Resources, involves me as spokesman for the Australian Democrats on the issue of Aboriginal land rights. I must say that there has not been an approach to me from those concerned in the Opposition parties. I think members of the Opposition, the Australian Democrats and the Government well know that land rights in Australia is probably one of the most highly politicised elements that we are currently dealing with on our agenda. I do not really believe that that is the type of item that Senator Chaney is talking about in terms of a committee taking a dispassionate view and deciding whether or not it is appropriate that legislation be structured in a particular way. Aboriginal land rights legislation is probably one of the most emotionally charged political items that we have to consider. Quite frankly, that issue will be resolved here in this chamber. Aboriginal land rights have been talked about ad nauseam in the country. I do not really believe that an inquiry by a committee would add one jot of light on the issue. Probably there would be some more heat but I think enough heat has been already generated. Ultimately, the members of this chamber, as representatives of the people, will decide whether or not that legislation goes through.

In terms of those propositions, I hope that in some way we might be able to move to reform. I must say that I fully support Senator Hamer's intentions. However, I cannot support this motion. The Democrats, in our discussions on this matter, felt that in many ways we are unable to vote in support of this issue. We are not members of any of the three committees concerned. The motion proposes that extra work be imposed on committees which have already set programs for themselves and whose members are already committed in a variety of ways. In fact, we do not feel justified to commit honourable senators at such short notice to a total rearrangement of their programs. Hence, we will not be able to vote in favour of the motion. However,

we express our concern that if the motion is passed, movement in this area may be jeopardised.

Senator JONES (Queensland) (9.57)—I will be brief in my remarks. While I think there is some merit in the proposition put before the Senate by Senator Hamer, what needs to happen is that we examine the capacity of the committees. We need to examine the capacity of the staff that service the committees; we need to examine the capacities of the Senate committees themselves to handle their work loads. There has been no examination of those aspects. It seems to me that the proposition that has been put up by Senator Hamer is a step in the wrong direction. It is quite obvious that I, as Chairman of the Senate Select Committee on Science, Technology and the Environment, will oppose the motion. However, I think there is some merit in what is being said. A few moments ago we saw Opposition members of a committee attacking their Chairman and the Chairman passing remarks back. Standing committees are made up of members of the various parties that belong to this Parliament. Those committees have a certain work load. Surely the right way to deal with this matter is to refer a proposition for change to the committees and let committee members, who belong to various parties, discuss it. Those committees could then come back here and put forward their views.

The Committee of which I am chairman is made up of members of the Australian Democrats, the Liberal Party of Australia and the Australian Labor Party. I must say that our staff service that Committee very well and that the members of the Committee work very well together. A dissenting report was presented yesterday. However, this was one of the few times that this has happened. Generally we try to discuss propositions put before us in a reasonable manner so that we can achieve the best possible result in respect of inquiries we undertake. I think it would be much more sensible to refer the proposition that was put forward by Senator Hamer to the committees for discussion and for the committees then to report back to the Senate. I have been here on a number of occasions when Senator Hamer has put this proposition up and I have seen it thrown out. We should examine the point that Senator Childs made. We should look at what the committees are doing. Also, we should probably look at ways in which we can improve the Standing Orders overall.

Senator KNOWLES (Western Australia) (10.00)—I think it is a great tragedy to hear

what some of the Government senators have said today not only about the committee system but also about some of the committee members. I think it would be an even greater tragedy if we did not all agree that a better examination of legislation is advantageous to the Parliament. As a member of the Senate Standing Committee on Education and the Arts I am amazed at some of the remarks that Senator Colston made, especially about the Committee members. I think I would be remiss, especially considering that one of my colleagues, Senator Teague, is not present at the moment, if I did not make any comment.

It is quite clear that we, in the coalition, have provided about 90 per cent of the quorums for both public and private meetings since I have been on this Committee. Given that, only last week, when we yet again provided a quorum for a private meeting, a decision was made by us, with which the Chairman disagreed, he walked out of the meeting without formally adjourning it and called another meeting a couple of days later. There was absolutely no formal motion of adjournment of that meeting. According to the secretary of the Committee, who does an excellent job, the meeting was not formally adjourned. Yet only a couple of days later the Chairman rounded up his two colleagues, one of whom I cannot even remember the last time he attended a meeting, and overturned our decision which was made at a properly constituted meeting. That decision was in relation to the public hearing on the Australian Broadcasting Corporation radio broadcasting in Queensland. We felt that that matter had been sufficiently canvassed both by the Committee and also in this chamber, yet the Chairman sought to have yet another public hearing. I therefore found it amazing that this morning the Chairman talked about costs. We have already had public hearings and private meetings. We have already made sure that this—

Senator Colston—Did you attend the meeting?

Senator KNOWLES—I have attended all the private meetings, Senator Colston. This matter was raised yet again, and the decision that had been made at the properly constituted meeting earlier last week was overturned by the Chairman and his colleagues a couple of days later to make sure that another public hearing was going to be held on something on which we had already held one. Therefore I think the claim that cost is a factor is quite absurd. It is a real shame that we are not looking at the committee system to make better legislation. A typical example of how better scrutiny and better examination of

Bills are beneficial is our reference on the copy-right amendment legislation earlier this year, which proved to be most successful and most enlightening.

I think this is an important issue and one from which we should not run away and one which should not be denigrated into an attack on members of the Committee.

Senator HARRADINE (Tasmania) (10.04)—This question of legislative and general purpose standing committees, their functions and what references ought to be given to them is one that has been around for quite a long time. Most, if not all, of the references to the committees have been in the general purpose area and not in the legislative area. My concern is that, if they are to have referred to them legislation that comes before this chamber as a matter of course, obviously the question that has been raised by Senator Georges, Senator Chaney and others would need to be looked at, that is, a rearrangement of the schedule of the Senate. If that were to involve the sitting of these committees at the same time as the Senate is sitting, I would adopt, as I have adopted consistently, firm opposition to that because the net result would be that this chamber would lose its effectiveness as a chamber for debate.

As members of the Senate we have a legislative function. We also have an expressive and representative function which can be performed in a number of ways. It can be performed, of course, by seeking information from the general public and then distilling it, by weighing the evidence up and then bringing it back to this chamber in the form of a report. But the expressive and representative function can be and should be exercised in this chamber so that people can see how members of parliament are representing their interests and whether they are adequately expressing the views that have been put to them or indeed whether they are adequately expressing the distilled views of each senator after consideration of the factors involved.

Were I to support this proposition, I certainly would not be doing so as part of an extended plan to have the majority of legislation sent to the legislative and general purpose standing committees until all of those other questions had been considered. I am conscious that it has been stated around this place by Opposition supporters of the motion that we ought to give these committees at least one or two references which are legislative in character. It is said that these three Bills, the Australian National Maritime Museum Bill 1986, the Foreign Takeovers

Amendment Bill 1986 and the Aboriginal Land Rights (Northern Territory) Amendment Bill 1986, would fall into that category and are not of such a contentious nature that an examination of them would take longer than the periods referred to.

I am conscious of the problems that would be experienced by honourable senators who are members of those committees. I understand that very well, because throughout this year my electoral work has suffered considerably due to the fact that I have been tied up either directly on the committees of which I am a member or in swatting up on, and trying to read, all of the submissions that have been made and the evidence given and trying to get on top of it. I am very conscious of that and I can see that that is going to be the situation well and truly into the next year as well as far as I personally am concerned.

I think there are four committees in question, but I am not, as you would know, Mr President, on any of these legislative and general purpose committees, although previously I tried to get on one. I was soon told that I would not be welcome on any of the legislative and general purpose standing committees by virtue of the fact that I would be taking a spot from the Opposition at that time. I can understand that, although there is still one committee that I would very much like to be on.

Senator Crichton-Browne—What is that one, Brian?

Senator HARRADINE—The Joint Committee on Foreign Affairs and Defence. If I were to vote for this motion, I would not be doing so as part of a planned effort to have all of these matters, as a matter of course, sent to a legislative and general purpose standing committee; it would be only to see what effect it would have, if it would have any effect at all.

Senator HAMER (Victoria) (10.10)—in reply—I accept almost everything that Senator Harradine said. We must not get a situation where reference of legislation to committees takes away from the ultimate role and responsibility of this chamber. I have no such proposition to put. The argument is that they are legislative and general purpose committees. For reasons that are historical they have concentrated almost exclusively on their general purpose function and almost totally ignored, except when forced to face it, their legislative function. I think it is almost certain that we would find, as we have with examples in the past, if we refer legislation, perhaps even apparently non-controversial to

start with, many unintended consequences. The effect of this examination would be to permit public input into the proposed laws for this country and then we would have a proper report back to the Senate so that we could have an informed debate on the issues.

Senator Harradine will remember this no doubt, being chairman of a committee which looked at industrial legislation. I did not agree with the conclusion of that Committee. Nevertheless, the hearings held by that committee added a great deal to my knowledge and to the quality of the report and I think resulted in a proper debate in this chamber ultimately. That is the role of these committees and that is what they must do. Governments will never want such references. As a legislative chamber we must see that we perform our legislative function properly. Everyone seems to be talking about major restructuring of our procedures. We are moving very slowly in that area. As a saint once said: 'Lord, make me pure but not yet'. It always seems to be 'not yet' in our consideration of these things. We should find out with a few trials how useful this type of reference would be so that we can make informed decisions, if we want to change our procedures, on how we should change them. Ultimately, I emphasise to Senator Harradine, the responsibility must rest in this chamber. I commend the motion to the Senate.

Question put:

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

The Senate divided.

(The President—Senator the Hon. Douglas McClelland)

Ayes	28
Noes	28
Majority	0

AYES

Archer, B. R.
Baume, Michael
Baume, Peter
Bjelke-Petersen, F. I.
Boswell, R. L. D.
Brownhill, D. G. C.
Carrick, Sir John
Collard, S. J.
Crichton-Browne, N. A.
Guilfoyle, Dame Margaret
Hamer, D. J.
Harradine, B.
Jessop, D. S.
Kilgariff, B. F.

Knowles, S. C.
Lewis, A. W. R.
MacGibbon, D. J.
Messner, A. J.
Newman, J. M.
Parrer, W. R.
Puplick, C. J. G.
Reid, M. E.
Sheil, G. (Teller)
Short, J. R.
Townley, M.
Vanstone, A. E.
Walters, M. S.
Watson, J. O. W.

NOES

Aulich, T.
Black, J. R.
Childs, B. K.
Coates, J.

Giles, P. J.
Grimes, D. J.
Jones, G. N.
McClelland, Douglas

NOES

Coleman, R. N.
Colston, M. A.
Cook, P. F. S.
Cooney, B.
Devlin, R.
Elstob, R. C.
Evans, Gareth
Foreman, D. J.
Georges, G.
Gietzelt, A. T.

McIntosh, G. D.
Maguire, G. R.
Morris, J.
Ray, Robert
Richardson, G. F.
Robertson, E. A. (Teller)
Ryan, S. M.
Sibraa, K. W.
Walsh, P. A.
Zakharov, A. O.

PAIRS

Alston, R. K. R.
Chaney, F. M.
Durack, P. D.
Hill, R.
Teague, B. C.
Withers, R. G.

Bolkus, N.
Button, J. N.
Crowley, R. A.
McKiernan, J. P.
Reynolds, M.
Tate, M. C.

The PRESIDENT—Order! There being 28 ayes and 28 noes, under standing order 178 the question is resolved in the negative.

SEX DISCRIMINATION (CONSEQUENTIAL AMENDMENTS) BILL 1986

In Committee

Consideration resumed from 4 December.

The Bill.

Senator WALTERS (Tasmania) (10.18)—by leave—I move:

Page 1, after clause 1, insert the following new clause:

"1AA. Section 42 of the *Sex Discrimination Act 1984* is amended by omitting paragraphs 2 (d) and (e), and substituting the following word and paragraph:

"or (d) any prescribed sporting activity."

It is only a matter of removing the word 'or' and the remaining sub-section (e) which relates to sporting activities by children who have not yet attained the age of twelve. Section 42 of the Sex Discrimination Act allows the exclusion of persons of one sex participating in any competitive sport activity in which the strength, stamina or physique of the competitor is relevant. It points out that men and women do not have to compete against each other. Sub-section 42 (2) refers to various persons not included in these exclusions—that is, that people such as coaches, umpires and administrators can be of either sex. However, 42 (2) (e) provides for the exclusion of children under the age of 12 years so that therefore they can compete against each other. Senator Haines, in the Committee stage of the debate in 1983, said:

. . . tend to attempt to preclude mixed sporting activities of children under the age of 12 by perpetrating an assortment of myths relating to the comparative strength, stamina and physique of boys and girls under the age of 12.

She said:

I suggest that it is at this very age that girls not only are generally the equal of boys in height, strength, running ability and so on but also are frequently their superiors. If we are at any stage to overcome the myth that girls' hips stop them from running fast, that their elbow joints stop them from throwing properly, or whatever the various arguments are for excluding women from competing against and with men, we will have to do it when it is quite clearly shown that there is considerable equality between the sexes.

Senator Harradine—Who said that?

Senator WALTERS—That was Senator Haines. Of course, that has proved completely wrong. Following the passage of that amendment to the Bill the Human Rights Commission was approached by the Australian Primary Schools Sports Association. It sought leave to have interstate swimming carnivals and interstate athletic carnivals given exemption by the Human Rights Commission. We had the stupid, idiotic situation where the Human Rights Commission gave them an exemption, but on a yearly basis, which meant that a new application for 1986 also had to be made. It was found that little girls were just not competing well against little boys and that, indeed, the boys were outdoing the girls all the time. At the meeting of the Directors-General of Education on 25 March 1986 it was decided to conduct both girls and open events in interstate competitions for primary school children. Girls were able to compete on their own and there were open events where boys and girls were permitted to compete, but there were to be no boys events at all, so boys were being discriminated against. That really is ludicrous. The President of the Victorian Primary Schools Sports Association, Mr McConville, said recently:

During Term 1, 'it became evident from many complaints received from school councils and parents that, if sporting teams were selected solely on ability, girls were being discriminated against because their places in school teams were being taken by boys.

The legislation would interpret such practices as being disadvantageous to girls' rights, which the legislation was designed to protect.

Therefore the traditional areas for girls had to be protected and girls must have access to sporting areas which had been denied to them.

The Human Rights Commission has had to give exemptions so that little girls can compete in sport and have a chance of winning against their own sex. It reached the stage where on 23 July 1986 the Human Rights Commission placed an advertisement in the *Canberra Times* which stated:

The Human Rights Commission has received many inquiries relating to Section 42 (2) (e) of the Sex Discrimination Act. Section 42 (2) (e) provides in effect

that there may not be discrimination on grounds of sex in the sporting activities of children under 12 . . . the Commission intends to publish an illustrated booklet . . .

The Commission invites expressions of interest from individuals and organisations wishing to research and compile the text of a booklet on the subject of Equal Opportunity Sport for Children under 12 years in Primary Schools. Illustrations for the booklet will be the subject of separate arrangements.

I am told by the Parliamentary Library that this project seems to have run into problems, including cuts in publications funding and difficulties in matching two studies made on athletics and swimming, and it now appears that this booklet certainly will not be ready before Christmas. I have various headlines which have appeared in newspapers around Australia. Under the headline 'Netball escapes sex net', an article from Perth states:

Loopholes in the Sex Discrimination and Equal Opportunity Acts have prevented a boy from Perth's Poynter Primary School from playing his favourite sport.

The mind boggles. The article continues:

It appears that the netball association is a voluntary group and is therefore not affected by the Sex Discrimination or the Equal Opportunity Acts.

It would thus not be bound by a clause in the Sex Discrimination Act . . .

I am sure that the Minister for Resources and Energy (Senator Gareth Evans) would agree that this has proved unsuccessful. I am sure that Senator Gareth Evans would not expect the parents of young girls coming up through the athletic teams to be discouraged by having to compete with boys and being knocked off each time and not being able to make the school's team. At the moment the situation is covered by the Human Rights Commission. From the look of the grin on Senator Gareth Evans's face, I hate to think what he is going to say.

Senator Gareth Evans—I am just thinking of my own family. My daughter is a fierce feminist who carries all before her.

Senator WALTERS—Yes, I gathered that. At the moment the Human Rights Commission is covering the situation by giving exemptions, but I do not think that is the appropriate way to go about it. Therefore, I ask the Minister whether the Government will support my motion. The Opposition does and I ask the Minister to make this a sensible Act which, indeed, does not have to be overridden by the Human Rights Commission to protect the rights of girls under 12 in their sporting prowess.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (10.28)—The

Government will not support Senator Walters's amendment at this stage but it is something to which we will certainly give further consideration. Might I make the point at the outset that it is rather like Senator Harradine's exercise yesterday. Senator Walters is seeking, in this instance by leave, to amend the parent Sex Discrimination Act and thus open up the debate about the range and scope of exemptions in that parent Act. The amendment is not addressed to the basic subject matter of the Sex Discrimination (Consequential Amendments) Bill 1986 before us, which, as I said yesterday, is concerned with amendments to other legislation to ensure consistency with the Sex Discrimination Act. The Government would suggest that this is simply not an appropriate time to open up the debate—I readily acknowledge that it is an ongoing debate—about the proper scope of the Sex Discrimination Act and its exemptions.

However, having given Senator Walters leave to pursue this amendment in order to raise the issue and put it back on the public agenda, an indulgence which I hope will be respected in terms of the duration of the debate which now follows, let me simply make this point: The Human Rights Commission, soon to be replaced, as we know, by the new Human Rights and Equal Opportunity Commission, and the Sex Discrimination Commissioner have this particular matter under study. There is an exercise proceeding in South Australia to fully examine and evaluate both the principles and the issues involved and the way in which things have worked out in practice. If recommendations come forward in due course from the Commissioner of the new Commission, as they may well do, the Government will consider the issue in the light of those findings, studies and recommendations. This is really quite a complex issue in which a lot more research and evaluation of data needs to be done.

The reason I was smiling to myself during Senator Walters's speech was that I was translating to my own domestic environment her account of poor little girls being muscled aside by little boys in primary school when it comes to selection for school teams and participation in school sports. Without going too mawkishly into the domestic details of the Evans household, I can assure Senator Walters that the contrary is absolutely the case in my household. I have a fiercely feminist and enthusiastically athletic daughter who pushes all before her when it comes to getting into the primary school soccer team and participating in swimming and other sports of that kind. I imagine this experience is

repeated in many other households and it is one that is capable of being imagined when one looks at this question of stamina, strength, physique and so on, and acknowledges the reality that in most cases there is very little difference between the sexes in children of that age.

I do not wish to pre-empt this argument or say straight out that Senator Walters's amendment should not be taken seriously. I think it should and we should have close regard to the experience of the school systems and the way in which this particular proposition has worked in the past. It is a clearly well intentioned provision in the present Act and it has resulted in a greater awareness of the extent to which discrimination—if that is the right word—operates in schools. Perhaps unthinking sex stereotyping does operate in circumstances where there may be no rational foundation for sexual distinctions being drawn. That is one side of the coin. The other side of the coin may well be the sorts of considerations that Senator Walters has mentioned. I hope that she will be prepared to leave the debate at this point. I acknowledge the point that she is making and I note the concerns that have been expressed in some quarters. This is an issue that we will take very much on board and we will consider it again when we have to hand some more research and data and hopefully some recommendations one way or the other from the professionals in the field.

Senator WALTERS (Tasmania) (10.34)—I thank the Minister for Resources and Energy (Senator Gareth Evans). Because of his courtesy in allowing me to put my amendment, I will not ask for a division. However, I do not want him to construe that as meaning that the Opposition is not keen for the amendment to go through. Indeed, we are very keen, and I would hate him to think that by letting this go on the voices we feel otherwise.

Senator POWELL (Victoria) (10.35)—I wish to make a couple of comments on this matter. Obviously I have already intimated that we will not support Senator Walters's amendment. However, the points made by the Minister for Resources and Energy (Senator Gareth Evans) and Senator Walters herself about concerns in the operation of this provision in the parent Act, need to be looked at. Nevertheless, we must be very careful about the context in which we look at the concerns as they arise. Senator Walters at one point in her speech talked about girls in primary school needing to be able to win against their own colleagues—I assume that she meant other girls. Those senators who have children in

primary school, as I do, know that there has been a concern about boys taking over girls' teams and this kind of thing. However, we should realise that one of the benefits of the operation of the Sex Discrimination Act is that young children, whether they are male or female—we are only talking about children who are under 12 years—can actually participate in a co-operative way in a field of endeavour in which they have not always had the opportunity to participate. It is not so much a question of who wins and who loses as a question of increased opportunity, given that we know that there is discrimination and stereotyping of children in the school scene in areas other than sport. If we can even that out, I suggest that is a contribution to the breaking down of stereotypes which are there, not necessarily for physical reasons.

Like Senator Evans, I have experience of primary age children. My children are boys and they are smaller than more than 50 per cent of the girls of their own age. They have had and enjoyed the experience of playing sport with girls and they take it as quite a natural occurrence. They admire and express admiration for the prowess of girls with whom they are participating in what were, in our day, traditionally male sports. On the other hand, they also enjoy the sports to which they now have access, by way of this provision, which, in our day, would have been seen purely as female sports. Thus, this provision has its advantages in developing co-operation between girls and boys. Once they reach ages where physical differences come into play, at least they will have had the opportunity to experience a balanced approach to each other as individuals, not as male or female stereotypes. However, I recognise that there are problems, although I suggest that some of those problems may have arisen from the stereotyping which is inherent in our own views because we did not have the opportunity which our children are having under the provisions of the Sex Discrimination Act.

Senator HARRADINE (Tasmania) (10.37)—I am glad that at least Senator Powell has looked at Senator Walters's amendment. It is quite clear, as the Minister for Resources and Energy (Senator Gareth Evans) said, that Senator Walters has sought leave to move an amendment to the Sex Discrimination Act. She has been granted leave. Last night, after having given months of notice about it, I sought to move for the suspension of Standing Orders. Perhaps I should simply have sought leave to—

Senator Gareth Evans—It is sex discrimination!

Senator HARRADINE—Yes, that is true. That leads me to a very interesting point in this whole debate on section 42. I wish to know under what head of power it would be unlawful to exclude a boy from girls' sports in the under-12 age group or for that matter even in the under-92 age group.

Senator Gareth Evans—You mean what constitutional head of power?

Senator HARRADINE—Yes

Senator Gareth Evans—The same as that which supports the whole legislation; that is, the external affairs power and the reliance on the Covenant.

Senator HARRADINE—I thank Senator Evans. He said that it is the external affairs power and a reliance on the Covenant. The Covenant is a convention for the elimination of all forms of discrimination against women, not against men. Any proposition that is put forward that would exclude a boy from those particular sports would fall to the ground because the Commonwealth does not have, insofar as the States are concerned, a constitutional head of power. I do not know what the Human Rights and Equal Opportunity Commission is involving itself for. That is a very important point. It is raised because of the interesting comments made by Senator Evans that it is sex discrimination when I cannot get leave to move an amendment to the Sex Discrimination Act but Senator Walters can. I might say with respect to Senator Walters that I agree with what she has been saying. But one should look at the head of power and examine the transcript of what Senator Evans has said to see whether or not people are barking up the wrong tree in regard to the Human Rights and Equal Opportunity Commission.

I heard what Senator Evans said—I want to shorten this debate as much as anybody else—about matters being of importance in an ongoing debate and that this is not the time. He said that last time was not the time to deal with the possibility of a recurrence of the Tralagan case in the States on the question of conscience. Will we have an opportunity to debate those major issues and the issues that I raised last night and Senator Walters raised today?

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (10.42)—I am not in a position to give any indication that the Government will bring forward legislation if and

when it appears necessary to meet concerns that come to the fore. One of the difficulties is that if we had some legislative processes in this place that made it possible for such legislation to be dealt with briskly and efficiently there might be a slightly greater temptation for the Government to bring more of it forward than exists at the moment. I do not pre-empt the possibility of some further exercises next year.

I do not want to get into an argument on the constitutional points. Senator Harradine is right to say that the particular convention on which the Sex Discrimination Act most overtly relies is the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, thus not making it possible to rely squarely on that in the context of alleged sex discrimination against a male—a boy in this instance. There is the possibility of reliance on that more general International Covenant on Civil and Political Rights with its equal protection of the laws and non-discrimination guarantees. I think that possibly could be called in aid.

Senator Harradine—You are drawing the long bow there.

Senator GARETH EVANS—Well, you never know your luck in a big city. There is also the Territories power, and also the Commonwealth employment power which is called in aid and which is set out in the present Act. I do not seek to give any kind of reasoned or considered response to Senator Harradine, but he makes a fair point and raises a question mark. I hope that Senator Walters will feel that the issues have been sufficiently canvassed. I acknowledge her point that she is not pursuing the matter to a division. I appreciate her courtesy in approaching the debate in that spirit.

Proposed new clause negatived.

Senator PETER BAUME (New South Wales) (10.45)—There have been circulated in the name of the Opposition four amendments—four amendments other than that proposed by Senator Walters which has now been determined. I seek leave of the Committee to move the four amendments together.

Leave granted.

Senator PETER BAUME—I move:

Pages 2 and 3, Schedule—

(a) leave out the amendment of the Aged or Disabled Persons Homes Act 1954

(b) leave out the amendments of the Compensation (Commonwealth Government Employees) Act 1971

(c) leave out the amendment of the Delivered Meals Subsidy Act 1970

(d) leave out the amendment of sub-section 3 (1) of the Seamen's Compensation Act 1911.

I thank the Committee. The amendments propose to leave out certain of the proposed amendments which make up this Bill. The reason is not that we are concerned at all about the effort to overcome certain discriminatory practices. In fact, we support those efforts. But in choosing to do this in a particular way other questions arise which we think have some force and substance and which we would like to explore with the Government. Our first amendment relates to the Aged or Disabled Persons Homes Act and another to the Delivered Meals Subsidy Act. Each amendment would have the same effect. The amendments seek to reduce to 60 years the age at which a man becomes an aged person. I know that certain honourable senators think that that is not a fair definition. We are all approaching 60, sooner or later.

Senator Gareth Evans—Some faster than others.

Senator PETER BAUME—Yes, some faster than others. The effect of such amendments to create a new definition of when a male becomes an aged person would create some new situations. For example, it would involve significant budgetary implications, because it would mean that a number of males would become eligible for certain benefits at a time earlier than they do now. The amendments are precedential. If the approach is that the age at which people qualify for certain benefits should be reduced to the lower age of 60—in this case women qualify at 60 and men at 65—that precedent is likely to be followed in a large number of other cases. These ones are small in quantum but may be important in precedent.

A most interesting situation may arise. We may have men still in the work force and still in employment able to claim the benefits of the Delivered Meals Subsidy Act because they are aged. It may involve men still in the work force at the age of 60, who are not required to retire until they are 65, and who are unable to draw a pension, being able to take advantage of the Aged or Disabled Persons Homes Act. Obviously a policy matter is involved as to whether one reduces the common age to 60, whether one remains with the two different age qualifications, whether one moves to a middle common age, maybe 63 years, and does it over time, or whether one takes the reverse route and seeks to have 65 as the single common age or some other age. Because it is not as simple as it looks and because it has effects, we ask the Government to

explain why it has been decided to go to 60 and what answer it has to the problems I have raised. I indicate to the Minister that I shall be seeking only one division on these amendments in toto, but at this stage I seek the Minister's response to these points.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (10.48)—As to the particular point made about access to financial assistance for homes for aged or disabled persons, it needs to be appreciated that the assistance able to be delivered under the Aged or Disabled Persons Homes Act 1954 is discretionary in character. Therefore, it is highly unlikely as a practical matter that the particular situation to which Senator Peter Baume refers could possibly arise.

Senator Peter Baume—Delivered meals could.

Senator GARETH EVANS—As to delivered meals, that is also discretionary, as I recall. The Delivered Meals Subsidy Act 1970 provides discretionary grants to non-profit organisations delivering meals to aged persons. To the extent that it is discretionary I have no doubt that conditions could be imposed on the aged persons in question to whom the meals could appropriately be delivered. There is a slight element of whimsy about Senator Peter Baume's examples, but there is perhaps a larger question as to why among all the various discriminatory provisions in social welfare legislation it was this particular group of provisions that it is now sought to bring in line with the Sex Discrimination Act. The Attorney-General acts on behalf of other Ministers in introducing this kind of omnibus legislation. The policy decisions taken, bearing in mind possible financial implications, have been made very much with the approach of the relevant policy departments being taken into account. Certainly, no significant cost increases are associated with these extensions of the Act.

The amendments to lower the eligibility age for males for benefits under the two Acts we have just been discussing do not reflect any generalised government policy decision about eligibility age provisions in other Commonwealth legislation. There is other legislation in existence with discriminatory age limit provisions, for example, the Social Security Act itself, which has been exempted indefinitely from the Sex Discrimination Act on the ground of cost. The Government, faced as it was with the choice of exempting the two particular Acts we are now talking about from the Sex Discrimination Act or making amendments of the kind that we are proposing, which have no significant direct costs,

has decided that the discriminatory provisions should be amended now. In other words, unless there is some overriding reason why we should not bring these provisions in line with the Sex Discrimination Act, we have taken the view that we should. We believe that as a practical matter the discretionary character of the social security benefits in question will be such as to ensure that no anomalies, idiocies or eccentricities of the kind identified by Senator Peter Baume will occur.

Senator PETER BAUME (New South Wales) (10.52)—I draw the Minister's attention to the provisions of the Compensation (Commonwealth Government Employees) Act, which is part of the amendment we have moved, to try to leave out the proposed amendments. The amendment which the Government is proposing seeks to vary the definition of a de facto relationship and to create a new test for the purposes of the Act. The present Compensation (Commonwealth Government Employees) Act provides that a 'dependant' means, among other things—and I quote from the Act:

a woman who, throughout the period of three years immediately before the death of the employee, although not legally married to him, lives with him as his wife on a permanent and bona fide domestic basis.

The concern that we have is that the proposed amendment does not really take into account the purpose of the existing test. We understand that the existing test is not proposed as some kind of moral test or judgment. It is not intended as some test of what makes or does not make a de facto relationship. But it is a test to determine that, for the purposes of paying compensation, the Government will pay on the basis of a long-standing relationship which is defined in that way in the Act.

The existing definition of a member of the family provides a threshold test for the payment of compensation. If the three-year period is removed, a much wider group of potential payees is opened up. We have had no explanation as to why that is desirable or why it is considered in any way the relief of a discriminatory act. I draw the Minister's attention to the fact that the Sex Discrimination Act 1984 contains a definition of de facto spouse.

Senator Gareth Evans—But not one based on time.

Senator PETER BAUME—Not one based on time. I will read it to make the point, because I agree with the Minister in this regard. The definition in the Sex Discrimination Act 1984 defines it as follows:

'De facto spouse', in relation to a person, means a person of the opposite sex to the first-mentioned person who lives with the first-mentioned person as the husband or wife of that person on a bona fide domestic basis although not legally married to that person;

I put to the Minister that, had it been the desire of the Government to move, for the purposes of compensation, from the three-year test, what is proposed is even less precise than the definition in the Sex Discrimination Act. The Opposition opposes this provision because we can see no good reason or no great advantage to provide the very much wider test, and because we cannot see why the provisions which exist, which are not a judgment of de facto relationships, but which simply provide the basis for paying compensation, should be varied.

Senator HARRADINE (Tasmania) (10.55)—While the Minister is considering that point, I raise this question: Under what section of the Constitution does the Government seek to give recognition to a de facto relationship on the same basis as the recognition of a marital relationship? In the last proposed amendment, it is clear that the Government is seeking to rely on the external affairs power. I am not referring to Commonwealth territories and so on, but insofar as it affects the States, the Government is seeking to rely on the external affairs power and on the Convention on the Elimination of All Forms of Discrimination Against Women. That talks about discrimination on a number of bases, including marital status.

Again, I point out that I happened to be in New York as a political adviser at the time that this was being debated in 1977. There was absolutely no discussion, to my knowledge, about this. There was no suggestion that a non-married state would be equated with a married state for the purposes of the Convention. There is nothing in the travaux préparatoires which would suggest that. Indeed, in the administration and interpretation of the law, it is to the travaux préparatoires that the judges or the administrators would turn. I ask the Minister to point out anything in the travaux préparatoires which would enable the Government to seek to require the citizens of this country to recognise a non-married state as though it were a married state, and do so using the external affairs power and, in turn, the Convention.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (10.58)—As to Senator Harradine's constitutional point, I do not want to give any considered reaction to it, except to say that to the extent that marital status may not be subsumed—although I do not

concede that—under the sexual discrimination convention there is, nonetheless, a capacity for the Commonwealth to support anti-discrimination legislation based on that criterion by reference to the territories power, and its power in respect of its own employees, which is relevant, for example, to the Commonwealth government employees legislation which we are here proposing to amend. There is a capacity for the Commonwealth to set conditions relating to non-discrimination on this ground with regard to expenditure from Commonwealth programs and so on. It was on that collection of foundations, essentially, that this particular ground was erected. I will not—and I hope Senator Harradine will forgive me—get into a long debate about the justification for non-discrimination on this ground. There may be circumstances, as always, in discrimination legislation, in which it is entirely rational and defensible to use this as a discriminating criterion. Equally, there are other circumstances in which it is manifestly irrational and a reflection of prejudice or whatever. It is those situations, essentially, at which the legislation is directed.

As to Senator Peter Baume's actual amendment, which focuses on the Seamen's Compensation Act and the Compensation (Commonwealth Government Employees) Act amendments, let me say this: We are not seeking in any way to change any of the principles of the operation of this legislation. It is still proposed to deal with de facto situations in this legislation in the same way, as a matter of principle, that they have been dealt with before. It is just a question, however, of bringing the definitions of de facto status in that legislation more or less into line with the definitions of de facto status in the Sex Discrimination Act itself.

Senator Peter Baume—With respect, it is a bit less than more.

Senator GARETH EVANS—I am not quite sure that that is right. In the Compensation (Commonwealth Government Employees) Act and the Seamen's Compensation Act there is not only a reference to a bona fide domestic relationship, which is the heart, soul and substance of the definition of 'de facto relationship' in the Sex Discrimination Act; there is in addition to that characteristic a further reference to the relationship continuing for a period of three years immediately before the death or whatever of the persons concerned. We are simply proposing to remove that essentially arbitrary limit of three years and bring the legislation back to the basic concept which is more or less identical

with that in the Sex Discrimination Act; that is to say, a bona fide domestic relationship. I think it has to be acknowledged that one can envisage all sorts of circumstances in which an injustice or hardship may well be worked by the application of this inflexible statutory criterion of three years.

One can imagine the case of a thoroughly bona fide domestic relationship extending for two years and eight months and the male partner in that relationship suffering a compensable accident and his partner being denied compensation on the basis of the time limit alone. No doubt, as Senator Peter Baume intimated, the provision was put in for ease of practical administration and enforcement but after all we are here talking about a relatively limited number of administrative decisions under this legislation. This is not a massive, open-ended area of benefit disposition and as such I do not think the administrative problems of determining the bona fide character of a particular relationship should be regarded as insuperable or overwhelming. There is just a desire to introduce consistency with the definition in the parent Sex Discrimination Act and I hope the legitimacy and sense of the amendments will be accepted on that basis.

Senator PETER BAUME (New South Wales) (11.03)—I have just one question for the Minister on the answer he has just given. I do not have the Compensation (Commonwealth Government Employees) Act in front of me; he does. Does this Act provide only for women in this situation or does it provide equally for men who are dependent spouses?

Senator Gareth Evans—The reference is to opposite sex; so it cuts both ways.

Senator PETER BAUME—Is it? As it is written it refers to a woman who through the period 'lives with him as his wife'.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (11.04)—I think Senator Peter Baume is probably referring to an earlier version of the Act. The current provisions read as follows:

a person of the opposite sex to the employee who, throughout the period of 3 years immediately before the date of death of the employee, lived with the employee . . .

That is the particular section which is now being amended to remove the three-year criterion.

Senator PETER BAUME (New South Wales) (11.04)—Another of the Opposition's amendments concerns the Re-establishment and Em-

ployment Act 1945. It is proposed that Part VI of this Act, which provides that re-establishment assistance be given to returned servicemen, be deleted. We are concerned about the proposal to delete this Part for several reasons. First, it is inappropriate to take action on this matter via the medium of the Sex Discrimination Act to exclude benefits that were provided for returned servicemen and women. We think there is an essential requirement, following our commitment to Australian servicemen and their commitment to Australia's defence, that legislation does exist to facilitate their resettlement. If the only argument for the amendment is that the legislation is not currently in use—

Senator Gareth Evans—It is now redundant, yes.

Senator PETER BAUME—Why not leave it on the statute book rather than remove it? It also covers discharged servicemen and we cannot understand why it is being removed in the context of this legislation. In any event, it is not a move that can be lightly taken because we think the obligation to the ex-service community is an absolute obligation on government to ensure that those who served in the armed forces are adequately compensated and given the opportunity to return to civilian life. First of all, why is it being done through the medium of this legislation and why is it being done at all? If it is not being used, why not leave it on the statute book?

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (11.06)—That is taking conservatism too far even for the Liberal Party. If some area of legislation is manifestly out of date, spent in its effect and redundant, it is not unreasonable to take any opportunity that conveniently presents itself to clear away the litter from the statute book. This has obviously been done in discussion with and with the agreement of the relevant subject Ministers. It is not just some idea that occurred in passing to the Attorney-General (Mr Lionel Bowen). As I understand it, the situation is this: Part VI of this Act discriminates on the grounds of sex in making provision for allowances and loans to female but not to male dependants of ex-servicemen immediately after World War II. The relevant Part of the Act is, I am advised and verily believe, now completely redundant with no practical application at all. The opportunity is simply being taken in this Bill to repeal the whole of the redundant Part of the Act including the discriminatory provisions. I readily acknowledge that it does go wider than fixing up the discriminatory bit. It is just taking a

convenient statutory opportunity to do it. I think the provision was thrown into notice by the legislative exercise that went on in the aftermath of the passage of the Sex Discrimination Act to simply scour the statute book to turn up discriminatory provisions. In that environment this whole part of that Act that had been lying there unnoticed and unregarded for the best part of a generation was brought into light. It was needed for the purpose of this exercise to clear away the discriminatory debris and the opportunity was taken to clear away the whole lot. I do not think a sentimental attachment to these provisions ought to justify their continued retention on the statute book. They are in the records obviously for anyone who is concerned to see what the law was at a relevant time in the past.

Senator HARRADINE (Tasmania) (11.08)—I wish to reiterate on this occasion that nothing that I have said should be taken as opposition to payment of compensation to persons in this situation. I know a fair bit about, and have worked on, compensation legislation. My main concern in the debate last evening, which unfortunately was not given legs, was to—

Senator Gareth Evans—You spoke for an hour; you had a fair go.

Senator HARRADINE—Everybody was partying. I will write Senator Evans and others a letter about it so that they know what I was talking about. I am concerned about the use of the international instrument through the external affairs power to impose upon the citizens of Australia an obligation to recognise a non-marriage state as though it were a marriage state under pain of penalty in respect of the leasing of accommodation.

Senator POWELL (Victoria) (11.09)—At the second reading stage I indicated that for a range of reasons the Democrats will not support the amendments of the Opposition. I reiterate, following Senator Peter Baume's comments, some astonishment that in two instances a provision which would in fact remove an obvious discrimination against men is being opposed. I think it is less of a concern while the Social Security Act is exempt. While we all understand why it is exempt—because of the enormous cost implications of a move such as this in that area—I think it is encouraging that the Government should be taking this move. I do not think there is a major concern as far as precedent is concerned, in the sense that women have had an advantage over men in their access to benefits in many areas. There are a couple of instances where that advantage has been removed and I

think it should be supported. I would not like to think that one of the reasons for people being disturbed about this happening is that they do not want to see men labelled as old at 60. We are all approaching the age of 60. I am certainly hoping that, when I am 60, men are not old at 60. If that is a problem I do not think it would be a motivation for opposing these sensible amendments in this Act but I would hate to think it was.

The provision regarding the recognition of de facto relationships is the basis of the two other amendments. As I have said, I think it is important that anti-discrimination legislation accepts that there are a number of ways in which people choose to form households and that these should be recognised. I do not think we should be too concerned as I understand from the statistics that marriage itself is more popular than ever. De facto relationships have changed over the years. I would have thought, for instance, that the three-year provision in the Compensation (Commonwealth Government Employees) Act 1971 reflected more the sort of thinking in society at that time that, if a couple had lived together for three years, they were probably fairly serious and perhaps they ought to be looked at in a serious way. I think what we term as a de facto relationship now quite often is a transitional relationship. As I read the statistics I see that it is increasingly the case that it is a transitional relationship. I do not think we should be opposing these sorts of measures on the basis that the institution of marriage might be at risk when the figures really show that the opposite is true.

Amendments negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by **Senator Gareth Evans**) read a third time.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2) 1986

Second Reading

Debate resumed from 19 November, on motion by **Senator Grimes**:

That the Bill be now read a second time.

Senator REID (Australian Capital Territory) (11.12)—The Opposition is not opposing the Statute Law (Miscellaneous Provisions) Bill (No. 2) 1986. One could make comments about some

of the things that have been brought in under this legislation and not under their own Acts as ought to be the case. But perhaps now is not the time to develop that thesis. The Opposition supports the passage of the Bill.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (11.13)—I thank the Opposition for its support.

Question resolved in the affirmative.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole, and agreed to.

Bill reported without amendment; report adopted.

Third Reading

Motion (by **Senator Gareth Evans**) proposed:
That the Bill be now read a third time.

Senator HARRADINE (Tasmania) (11.14)—I simply rise to say that legislation similar to the Statute Law (Miscellaneous Provisions) Bill (No. 2) 1986 has come before the Senate quite frequently at this time of the year. We have had stoushes about it before. I have not had the opportunity of wading through all the Bills and I am just taking the Government on trust, given its undertaking on the last occasion that this matter came before us.

Senator VIGOR (South Australia) (11.15)—I just rise to say that pushing through Bills at this time of the year in this rush, especially when they contain significant matters and there are some significant matters—

Senator Gareth Evans—Ah!

Senator VIGOR—I will not speak for too long on this matter. Basically, I think I need to make the point that there are significant changes to the Insurance Act and the Insurance (Agents and Brokers) Act. We fully support these changes. Last year we were promised that there would be a provision in the legislation to amend the Public Service Act by referring some guidelines, which had been referred to the Joint Committee of Public Accounts, to the Standing Committee on Publications. This provision has not appeared again this year and I wish to put that on the record. Not everything that was promised is in this Statute Law (Miscellaneous Provisions) Bill (No. 2) 1986.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (11.16)—in reply—It is unusual to have a second reading or

Committee stage debate on the third reading of a Bill. Let me, by way of reply, simply respond to Senator Vigor's point. I did give him an undertaking that this matter would be incorporated in a subsequent Statute Law (Miscellaneous Provisions) Bill. That was premised on my belief and his at the time that there was no controversy about support for the particular amendment. It had the support of the relevant Minister and, more immediately and pertinently, both committees concerned—the Joint Committee of Public Accounts and the Standing Committee on Publications. Senator Vigor well knows, because we have had this conversation on several occasions I think in the corridors and elsewhere, that that particular premise proved not to be substantiated.

There is a difference of opinion between the different committees and, as a result, a stalemate has been reached. Apparently, it is desired by the people concerned that the status quo be maintained. I do not want to go into the merits of that argument. I simply make the point that an allegation has been made of a breach of an undertaking or a failure by the Government to honour a commitment. I want to make it clear that that has not been as a result of any spirit, either of neglect or hostility, on behalf of the Government. It is simply a function of the realities of this situation and I hope that Senator Vigor appreciates that.

Senator Vigor—I thank the Minister for Resources and Energy for his remarks. I wanted to put that matter on the public record.

Question resolved in the affirmative.

Bill read a third time.

AUSTRALIAN INSTITUTE OF MULTICULTURAL AFFAIRS REPEAL BILL 1986

Second Reading

Debate resumed from 14 October, on motion by **Senator Gareth Evans**:

That the Bill be now read a second time.

Senator MESSNER (South Australia) (11.18)—I do not intend to take a great deal of time in dealing with the Australian Institute of Multicultural Affairs Repeal Bill 1986 as, strictly speaking, the Opposition will not be opposing it. However, we have an amendment to the motion for the second reading, which I now move:

At the end of the motion, add:

“, but the Senate—

- (a) is of the opinion that the Government's decision to abolish the Australian Institute of Multicultural Affairs:
 - (i) will break yet another promise to the Australian community,
 - (ii) will establish a bureaucratically controlled research office,
 - (iii) has ignored the Government's own Review of Migrant and Multicultural Programs and Services,
 - (iv) does not achieve savings of the magnitude announced by the Government,
 - (v) signals a downgrading of many important programs, and
 - (vi) was instigated without any consultation or consideration for those who would be affected; and
- (b) further calls on the Government to explain how it intends to obtain data of the kind and quality provided by the Institute in order that governments, generally, might make appropriate decisions regarding our society".

This matter was canvassed extensively in the House of Representatives by my colleague Mr Alan Cadman, the shadow Minister for Immigration and Ethnic Affairs, who argued the case from the Opposition's point of view with regard to the Institute. This body was created by the former Fraser Government as a result of the Galbally recommendations some seven or eight years ago and constituted a major plank in the achievements of the Fraser Government in that period.

I address some remarks to the amendment I have just read. Firstly, it has to be acknowledged that since the election of the Hawke Labor Government in March 1983 the Government has repeatedly said that the Institute should have a much more prominent profile and increased role in the education of our people in the benefits of a multicultural society. That statement has been quoted ad nauseam, but the one that sticks with me is the one the Minister for Immigration and Ethnic Affairs, Mr Hurford, made in February 1985. Clearly it was the Government's intention at that time to maintain the Institute and to enhance and to develop its role. Since then, we have seen a broken promise and a change of direction as a result of what was apparently some kind of secret inquiry, of which we do not have full information, into the operations of the Institute. Again, we have seen another broken promise, which has been a consistent pattern of progress under the Hawke Labor Government since it came to office.

Secondly, I point out that the Council of the Institute and its Chairman, Archbishop David

Penman, have advised the Government of their concern about the decision to abolish the Institute in favour of establishing some new office of multicultural and ethnic affairs which would have no statutory independence or autonomy at all. It would be a bureaucratic organisation controlled by public servants and would be in danger of not having access to all the views of multicultural representatives. Conversely, those people who are interested in the affairs of multicultural groups within our community may not have direct access to the decision makers. I cannot find anywhere in the Budget documents—perhaps the Minister for Community Services (Senator Grimes) can help by pointing to it—any reference to the cost of operating the new office.

Thirdly, the Committee of Review of Migrant and Multicultural Programs and Services recommended the retention of the Institute as an independent research and community education organisation which had a role in advising on access and equity within the delivery of government programs and services. Yet the Government has flown in the face of that recommendation and taken action to seek the Institute's abolition. Again, this appears to be the result of the secret review which it undertook of the operations of the Institute to which we were not party. Consequently, it has not yet been made clear at all why the Government chose to dismiss that recommendation and advice from such an inquiry and, as I pointed out earlier, supported by the views of Archbishop Penman.

Finally, the Government has said that as a result of the abolition of the Institute there would be significant savings in the Budget of \$2m, I think, in a full year, and \$1m would be found within the current financial year. However, a review of the documents attached to the Budget indicates that the estimate of savings in this financial year is only \$692,000. Again, the Government has not come entirely clean on this matter and its real reasons for getting rid of the Institute at this time. We would also like to hear from the Minister about that point. Maybe he can tell us more clearly what the Government feels it is achieving by abolishing the Institute. I do not want to delay the Senate any longer, but I again report that the Liberal and National parties will not be opposing this legislation.

Senator VIGOR (South Australia) (11.25)—The abolition of the Australian Institute of Multicultural Affairs is supposedly part of the Government's new strategy on multiculturalism. It

was announced with some fanfare by the Minister for Immigration and Ethnic Affairs (Mr Hurford) on 12 August. Judging by the Government's subsequent fumbblings, the strategy seems to be in complete disarray. The Australian Institute of Multicultural Affairs operated properly and effectively in Melbourne; it talked directly with local communities. A new body has been proposed to replace it in Canberra, under the Department of the Prime Minister and Cabinet, and I will come a little later to the fumbblings which appear to have been involved in that process. It seems that the Government does not really want to have any communication with the people concerned; it just wants to hear its own advice. The office of multicultural affairs will not have the same type of interface with the community as the Australian Institute of Multicultural Affairs had.

I asked a question without notice on 24 September this year. The Minister for Industry and Commerce, Senator Button, who is usually a mine of information on the operations of government, gave an undertaking that he would seek an answer from the Minister for Immigration and Ethnic Affairs as soon as possible. I have not received an answer. Even though the annual running costs of the proposed new office would cut into the alleged \$2m savings from the decision to abolish the Australian Institute of Multicultural Affairs, there does not appear to be any information. I think the Minister should at least enlighten us on this matter.

Estimates Committee B was told by the Department of Immigration and Ethnic Affairs that the role, functions, portfolio locations and resource requirements of the proposed office are under active consideration by government in the light of continuing consultation with community representatives. We also learned that salary and termination payments to AIMA staff were expected to total of the order of \$900,000. I have not had, from the various community groups with which I have had contact, much information about this consultation with community groups. Apparently there is some problem with the redundancy and termination payments, which means that we will not have the full figures on how much this measure will cost for some time.

Originally the office of multicultural affairs was to be under Mr Hurford. Since that announcement various Press releases have flooded into my office on the subject of the new strategy stating that the office will come under the Department of the Prime Minister and Cabinet with a watching brief for the Department of

Immigration and Ethnic Affairs. I believe that this type of fuzziness is just not good enough when we are dealing with a body that is supposed to be doing research and gathering information on something like 45 per cent of the community and 60 per cent of the urban population.

According to a Press release the new body will be responsible for the grants-in-aid program and for some information activities and sponsorship of research. The Prime Minister (Mr Hawke) also anticipated that a structure for the office and other details associated with its establishment would be settled in two to three weeks. He made that statement in September. We still have not got any information. The position of head of the office and the two supporting roles are being advertised this week. It is hoped that the appointments will be made in the new year. In the meantime, AIMA has been disbanded and the new office is not there. I believe this is an insult to the multicultural community and part of the general program of cutting down on multiculturalism which this Government is doing by attempting to merge the Special Broadcasting Service and the Australian Broadcasting Corporation, by attacking the English as a second language program, by quite unreasonably cutting the migrant education program, and by trying to cut down on most of the areas which would lead to satisfactory cross-cultural awareness and understanding. These decisions and their misleading, if not downright dishonest, nature have incurred the wrath of Australians who wish to see a strong consciousness in this country of its multicultural nature and cultural diversity.

It is not surprising that the annual report of the Australian Institute of Multicultural Affairs was not available to this Parliament before this Australian Institute of Multicultural Affairs Repeal Bill 1986 was debated. It apparently was released in Melbourne yesterday. As I understand it, it questioned the strength of the Federal Government's commitment to multiculturalism. The Institute's Chairman, Dr David Penman, pointed out that multiculturalism had reached a critical stage and that it could be endangered by such measures. He was quoted by Australian Associated Press as saying that the actions against English as a second language programs and the ceiling on the ethnic schools program showed 'a profound lack of understanding of multiculturalism by those who made the decisions'. He went on to say;

Considerable concern exists about the extent to which the Government remains committed to multiculturalism—a commitment we regard as essential if the Aus-

tralian society is to remain harmonious and vital in the next decade.

Some of the grounds for concern can be found in the actions of the Government in relation to AIMA. In April last year, this Parliament extended the functions of the Institute and encouraged it to confer more widely with the community. The Government promptly cut by 30 per cent the Institute's budget last year. The Minister for Immigration and Ethnic Affairs, in his second reading speech on this Bill, indicated his belief that the enormous improvements made to AIMA over the previous year were a good sign. Normally this would be cause for some congratulations, but apparently it is a dangerous thing to improve under this Government. That is obviously why the budget has been cut.

As Senator Messner has said, this Bill is in total contravention of what was recommended by the Jupp Committee of Review of Migrant and Multicultural Programs and Services. I believe that if the Government takes the trouble of commissioning reports such as the Jupp report it should at least take some notice of the findings. Against this background, it seems quite unreasonable that we should be closing down the Institute of Multicultural Affairs. The Australian Democrats will oppose this Bill. In the meantime, as we understand that the Opposition is not taking the strong stand of opposing the Bill and keeping the Institute, we will support its amendment seeking to add certain words to the end of the motion that the Bill be now read a second time, in case the Bill does get through, which it probably will with the support of the Liberals. We will support the Opposition's addition, then we will vote against the Bill. I believe that this is the strongest stance that we can take in condemning this particular step, which is yet another part of the process of dismantling multiculturalism in this community.

I cannot give, nor could anybody give us, any indication of the claimed savings, which appear to be totally spurious. Can the Minister for Community Services (Senator Grimes) give any indication of some ceiling on the price of the proposed office of multicultural affairs and its running costs? Can he tell us something about its structure? Can the Minister provide us with an assurance that we will be continuing to get the important information, such as that contained in the 1985 AIMA reports? For example, there were reports entitled 'Ageing in a Multicultural Society: The Situation of Non-English Speaking Migrants', and 'Reducing the Risk: Unemployed Migrant Youth and Labour Market Programs'. Will this type of work be carried out

by the new office of multicultural affairs? We do not know. Will the office pull into line government departments and agencies which fail to uphold the access and equity principles? The Government claims to promote these principles. In fact, AIMA is a watchdog. Perhaps it did not like being watched.

Will the office play any community education role? Is it basically a conduit for contact between the Prime Minister and various community groups? We do not know. Why replace AIMA, which was working effectively in these areas? Will the office be making community organisations more aware of how to compile submissions for available government funding? Will the office be involved in disseminating information about the rights and responsibilities of residents of Australia? I believe that these are matters about which the Senate and the people of Australia should be properly informed. It is very disturbing that Dr James Jupp, Chairman of the Committee of Review of Migrant and Multicultural Programs and Services, finds that much of his Committee's excellent work has been undermined.

I just want to finish with a quote from the *Sydney Morning Herald* of 4 November in which Dr Jupp is quoted as saying that the Government's recent decisions 'were not consistent with the thinking of the report'. In particular, the Review stressed the importance of ESL and the need for specialist teachers. It also emphasised the Federal role in effective provisions of educational experience for children from non-English speaking backgrounds. Can we get from the Minister an undertaking that the Government will treat stage 2 of the Review in a less cavalier manner? I wish that we could have some confidence that multiculturalism is not dying in Australia. The Democrats will make this last ditch stand and will oppose this Bill.

Senator GRIMES (Tasmania—Minister for Community Services) (11.38)—The Government is committed unequivocally to enhancing multicultural values and maintaining the policy of a multicultural society, which we have always supported. It is very easy to come in here with a lot of high-blown hyperbole and carry on in the way that Senator Vigor has just carried on. In my role as Minister for Community Services, I have a considerable amount to do with migrant communities in general. In recent weeks, in fact, I have been to the annual general meetings of some of our largest migrant communities. I have close associations with the Federation of Ethnic Communities Councils of Australia. In fact, I

fund FECCA to conduct consultations throughout this country. Nationally our concern is that Community Services provide sufficient assistance to enable people of ethnic background, other than an English speaking background, to get proper assistance in the community. The significant thing I find in discussions with members of the ethnic communities is that they are not fooled by this sort of stuff. I think Senator Vigor would do well to read the views of *Il Globo* and the Italian community on the Australian Broadcasting Corporation and Special Broadcasting Service merger.

Senator Vigor—He has been debunked by all the others.

Senator GRIMES—He has not been debunked by all the others.

Senator Georges—I would not rely too much on it.

Senator GRIMES—I am not relying entirely on it. All I can say is that, from my attendance at meetings with members of the ethnic communities in recent times, I have found that they do not have this fanatical concern expressed by Senator Vigor here about the ABC-SBS merger, and he knows it. The Opposition knows that. The communities are considerably concerned about what they have been doing.

The second thing is that I suggest that Senator Vigor should read the report of the Jupp Committee of Review of Migrant and Multicultural Programs and Services. He should read it all. He should read to me anywhere in that report where Dr Jupp specifically recommended the retention of AIMA. He assumed that AIMA would continue but that is not a recommendation in the report. The report recommends the establishment of an office of ethnic affairs, and it recommends that that office of ethnic affairs should be in Canberra. It recommends for that office of ethnic affairs the sort of role that the office, which is to be established within the Department of the Prime Minister and Cabinet, will have.

The simple fact is that most people in the migrant community had never heard of AIMA. It was not performing its function as effectively as it could have and should have. Certainly, the decision to change the nature of AIMA and to set up the office within the Prime Minister's department was partly a budgetary decision. But it was also a decision aimed at having a more effective mechanism to promote multiculturalism and to have those groups inside the government decision making process and having an office with a much greater capacity to act as a watch-

dog over government departments in a way that AIMA did not do. This office will be established so that we can promote and advocate multicultural principles, so that we can give overseas born residents equitable access to government programs and services and so that we can recognise that all government decisions should take account of ethnic and cultural diversity. For those reasons we will establish such an office and for those reasons that office will have a close and direct input in Canberra to the Commonwealth decision making process, instead of being stuck away in Melbourne which would mean a silly situation—

Senator Vigor—That is where all the communities are.

Senator GRIMES—Is Senator Vigor saying that that is where all the migrant groups are? What about Sydney, Adelaide or Perth—or Darwin where there is a greater diversity than in any of those other places? No, Senator Vigor would put it away in Melbourne. It is close to Adelaide so I suppose that is why he wants it down there. Let us get fair dinkum about this and listen to what the migrant communities are really saying. Let us give the new office the capacity to demonstrate what can be done, and more effectively. Through an appropriately located office, we will provide access to Federal programs and services and the development of those programs and services. That is what it is all about.

I understand from what Senator Vigor has said that, once again, he is not at all concerned about the budgetary situation. In every speech he makes in this place, he advocates a couple of million dollars more expenditure, and on top of that a couple of million dollars more expenditure on his ideas. He opposes everything that the Government does to try to save funds, but he comes in here and advocates a couple of ideas of his own which—

Senator Vigor—To raise money.

Senator GRIMES—We know all about Senator Vigor and his colleagues. The first thing that Senator Powell did in this place was to put down a notice of motion, the result of which would have been to increase Budget expenditure by \$4,000m. Only a party which is absolutely certain that it will never be in a position of having to fulfil its promises will make promises like that. That is exactly what the Democrats are doing here. The savings on this measure will be \$1m this year and \$2m in a full year. I cannot give the exact costs of the new office in the Prime Minister's department because we are ap-

pointing the senior positions and planning the structure and the process of that office, which is the sensible thing to do. When the information is available, I will get it for Senator Vigor.

I understand that Senator Vigor and his colleagues will have two bob each way: They will vote for the amendment and then against the amended Bill, because the amendment will obviously get through. That is also a luxury that some of us in this place cannot afford. But I accept that that will happen and that the words will be added. But at least the legislation will pass, as I believe it should.

Amendment agreed to.

Original question, as amended, put.

The Senate divided.

(The President—Senator the Hon. Douglas McClelland)

Ayes	56
Noes	5
Majority	51

AYES

Archer, B. R.
Aulich, T.
Baume, Michael
Baume, Peter
Bjelke-Petersen, F. I.
Black, J. R.
Boswell, R. L. D.
Brownhill, D. G. C.
Carrick, Sir John
Childs, B. K.
Coates, J.
Coleman, R. N.
Collard, S. J.
Colston, M. A.
Cook, P. F. S.
Cooney, B.
Crichton-Browne, N. A.
Crowley, R. A.
Devlin, R.
Durack, P. D.
Elstob, R. C.
Evans, Gareth
Foreman, D. J.
Gietzelt, A. T.
Giles, P. J.
Grimes, D. J.
Guilfoyle, Dame Margaret
Hamer, D. J.

Jessop, D. S.
Jones, G. N.
Kilgariff, B. F.
Knowles, S. C.
Lewis, A. W. R.
McClelland, Douglas
MacGibbon, D. J.
McIntosh, G. D.
McKiernan, J. P.
Maguire, G. R.
Messner, A. J.
Morris, J.
Newman, J. M.
Parer, W. R.
Puplick, C. J. G.
Ray, Robert
Reid, M. E.
Richardson, G. F.
Robertson, E. A. (Teller)
Ryan, S. M.
Sheil, G.
Short, J. R.
Sibraa, K. W.
Townley, M.
Vanstone, A. E.
Walters, M. S.
Watson, J. O. W.
Zakharov, A. O.

NOES

Haines, J.
Macklin, M. J. (Teller)
Powell, J. F.

Sanders, N. K.
Vigor, D. B.

Question so resolved in the affirmative.

Bill read a second time.

In Committee

The Bill.

Senator LEWIS (Victoria) (11.53)—I simply rise to point out that the reason for the nonsense of calling the last division was the belief of the

Australian Democrats that they will be able to produce statistics that will show how many times the Opposition parties in the Senate voted with the Government. Senator Haines thinks that that will provide her with some votes. I want to assure her that the people in the community will not be interested in those statistics at all. They will not be worth one vote.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by **Senator Grimes**) read a third time.

ABORIGINAL LAND GRANT (JERVIS BAY TERRITORY) BILL 1986

Second Reading

Debate resumed from 13 June, on motion by **Senator Grimes**:

That the Bill be now read a second time.

Senator LEWIS (Victoria) (11.55)—The Aboriginal Land Grant (Jervis Bay Territory) Bill 1986 represents a decision by the Federal Government to grant a freehold title to the Aboriginal community at Jervis Bay. The Opposition parties have no quarrel with the principle of giving the Aboriginal community at Jervis Bay a title. However, the Bill is opposed because it gives this community a freehold title in the Jervis Bay territory. No freehold title has been granted to anyone in the Jervis Bay territory since the acceptance of that land from New South Wales in 1908.

Senator Reid—Nor in the Australian Capital Territory.

Senator LEWIS—My colleague Senator Reid from the Australian Capital Territory points out that freehold title has not been granted in the Australian Capital Territory. Freehold title has not been granted to anyone in both of these territories since the land grant was given by the people of New South Wales to the new Federal Government of Australia in 1908. In both the Australian Capital Territory and the territory of Jervis Bay titles have been granted by way of lease. In this particular case, the land could have been given to the Aboriginal community at Wreck Bay by way of a title for an inalienable lease in perpetuity. That would have effected and achieved the same result as granting it a freehold title without separating the Aboriginal community in Jervis Bay from the rest of the people living in the territories. It is simply an-

other example of this Government making a mess of things in regard to the Aboriginal people of Australia. It sets this Aboriginal community apart from other Australians resident in the territory who are not able to obtain a freehold title. I might point out that this treatment is in sharp contrast to the treatment given to the lessees of the Christian's Minde settlement and Bowen Island in respect of the extension of their leases in the Jervis Bay Territory.

Historically, the Aboriginal community established at Wreck Bay is the remnants of tribes from as far afield as the Monaro and the central south coast of New South Wales. I do not intend to cover the history of this settlement, except to say that in 1980 the then Liberal Minister for Home Affairs and Minister for the Capital Territory, Mr Ellicott, proposed a perpetual lease over the whole area claimed by the settlement including the nature reserves, Summer Cloud Bay and Mary Bay, and all sacred sites in the Jervis Bay district. The community rejected the offer and called for a freehold title and fishing rights. Such title did not exist under the Seat of Government (Administration) Act, nor was it the basis for negotiations with the New South Wales Government in the early years of this century. This Bill proposes a series of amendments to that legislation in order to grant this freehold title at Wreck Bay. It has changed the basis of the existing Seat of Government (Administration) Act to make that possible. Under the Bill there is provision to establish a community council which will hold the title to the land granted under the Bill. Originally, there was also provision in the Bill for the Minister for Territories and the Minister for Aboriginal Affairs to agree to an extension of the grant without reference to Parliament. The Government at our request agreed ultimately to withdraw that provision.

The one cause for concern in regard to this development and proposal is that there is, in fact, a virtual moratorium on mining in the Jervis Bay territory and that could affect the Aborigines' ability to use the clay pits in the area as a future source of income. The final element in the legislation which is worth noting is that it protects significant sites to which the public has access. This is of concern to the Opposition and to the people who use these facilities. I seek an assurance from the Minister for Community Services (Senator Grimes)—I hope he has been given that assurance by the Minister for Aboriginal Affairs (Mr Holding)—that access to the beaches and the general recreational areas will continue to be open to all

Australians.

While pleased to see that land rights for the Wreck Bay community are reaching finality after a decade of negotiation, I urge the Minister even at this late stage to consider the divisive implications of granting freehold titles, instead of leasehold in perpetuity, that would give the same rights to the Wreck Bay community. I therefore move:

Leave out all words after 'That', insert 'the Bill be withdrawn and redrafted to provide for the land described in the schedule to be granted as a lease in perpetuity to the Wreck Bay Aboriginal Community Council'.

Senator MACKLIN (Queensland) (12.00)—The Aboriginal Land Grant (Jervis Bay Territory) Bill 1986 has had a long gestation and in many ways it has not been a happy one. The process of getting this Bill, which the Australian Democrats support, before the Parliament, has divided the community and has pitted one family against another. I think as an exercise in moving towards what is agreed by most reasonable people as a successful conclusion, at least in the interim, what has happened along the way has not been a model for what should occur. Those people who know the Wreck Bay community know that there has not been so much of a division but a distinction between those who have lived in the community and those who have relatives within the community and who have worked outside it. That has been the well established position for some time. The way that negotiations on this legislation have proceeded through the Department of Aboriginal Affairs, I think, merely exacerbated the tensions which already existed. Nothing can now be done to rectify that situation. The Bill provides for a council of those people who are currently within the community. The Wreck Bay Community Council is able to extend its membership to others and it is hoped that it will be extended to those people who have links with the community and who wish to be part of that community.

I wish to raise some questions during the Committee stage dealing with certain parts of the land and how it will be maintained, but at this point I wish to refer to the issue of the title that the Aborigines are to have to their land. Senator Lewis, on behalf of the Opposition parties, raised the fact that it should not be freehold title. He said that by giving the Aboriginal people freehold title that somehow makes a distinction between them and the other people in the area. Yes, it does make a distinction, but such a

distinction already exists. We are here talking about the restoration of land to people who once owned that land. These are now only small communities, consisting of several groups, that occupied this area of land and lots more. His approach seems to me to be an incredibly niggardly and parsimonious approach and indeed an approach which could only be said to be half-hearted to the rectification of the types of problems that we know have existed in our history. The Pope was recently in Australia and made a speech in Alice Springs on this issue and interestingly raised quite specifically this matter in what has been reported to be probably his most political speech. I think that is a reasonable description of it. He put in a very succinct way the type of proposition of many Australians as to why there is a distinction in this area, and I would like to read out that portion of his speech. I do not wish to rely on him necessarily as a way of supporting the political debate, I wish to rely rather on the words and the way they were put together because I think they succinctly express the proposition I wish to put. He said:

Let it not be said that the fair and equitable recognition of Aboriginal rights to land is discrimination. To call for the acknowledgment of the land rights of people who have never surrendered those rights is not discrimination.

I will repeat that:

To call for the acknowledgment of the land rights of people who have never surrendered those rights is not discrimination.

So we are not in fact involved in a discriminatory operation here; we are involved in something quite different, something quite historic. In that sense surely it could be acknowledged by everybody in the chamber that it is right and proper that the land title be freehold and that it is not appropriate for that land to be handed back to the Aboriginal owners and say that it is merely leasehold. That would be a denial of the basic underlying philosophy that has to go along with this. The next words I also think are important in terms of that address that the Pope gave in Alice Springs, when he said:

Certainly what has been done cannot be undone. But what can now be done to remedy the deeds of yesterday must not be put off till tomorrow.

In a very succinct way that sums up what many people in Australia have been working for. There has not been an attempt to undo history. There is an acceptance, in a sense, that what has occurred indeed has occurred. But that does not remove an obligation from us, who now have the legislative responsibility in this area, to put

aside those types of actions that are able to be undertaken.

As Senator Lewis has already pointed out, this is only one of the areas in Jervis Bay that raise problems and it happens to be in the Australian Capital Territory. Other parts are in New South Wales. The destruction by a department of this Government of sacred sites that happen to be on Department of Defence land, I think, is another item that needs to be raised on another occasion. I believe that the moves that have been made here should be supported. I do not want that remark to be taken as meaning that I am totally happy. In fact there are some boundary drawings that I believe are inappropriate. The Aboriginal people themselves are concerned that certain sacred sites that have been identified are outside the boundaries that are set down, and there are a number of other items. Given the good will which the Government is expressing in this Bill, and by using the provisions which are contained within it, I hope that those extensions and inclusions of the additional sacred sites which have been identified will proceed and will proceed in cordial negotiations between the Commonwealth Government and the Aboriginal owners.

I signal to the Minister for Community Services (Senator Grimes) that, although I wish to raise in the Committee stage some matters with regard to public access, it might be appropriate for me to raise them now because the Minister may wish to respond to them at the end of the second reading debate and then I may not need to raise them in the Committee stage. I ask: What has the Government done in terms of those public access lands? I draw the Minister's attention to the fact that part of this land has been used by people as a park and recreation area. The land will be owned by the Aboriginals but in fact there will be public access without any control by the Aboriginal people. The Australian Democrats' preference would have been for that land to be under the total control of the Aboriginal people. When we see what the Aboriginal people have done in the Northern Territory we are satisfied that they acknowledge the prospects and the desires of other people to use their land for one reason or another and have not impeded that provided that the use by other people of their land meets certain reasonable criteria. I would have thought that that could have been done in this case.

My concern is that the Aboriginal people now have actual ownership of and thereby accept certain legal obligations in regard to that land.

Accepting those legal obligations, what type of legal penalties might now be imposed upon the Aboriginal people as a result of damage, personal injury or other types of problems which may occur on that land and which the Aboriginal owners are not able to prevent people coming upon? Free access is granted and, hence, the people who go there, for example, picnicking, could be killed on the land because of broken glass on it or because of a hundred possible circumstances that one can think of. I would have thought that the owners of that land then have a legal obligation and could be sued. I am bearing in mind that it is an extremely small community with hardly any financial resources and I would have thought that it was vastly inappropriate for the community to be engaged in any litigation in this area. I hope that that is not the case and I seek an assurance from the Minister that, although the Aboriginal people own it, they will have absolutely no control over it. It is not as though it is a lease-back arrangement; it is simply a declared public access arrangement, which is a somewhat different case in law.

Lastly, the Australian Democrats support the Government moves in these areas and hope that, in other cases where the Commonwealth Government is committed and in which negotiations take place, the types of unfortunate instances that occurred in a very heavy-handed way will not occur again. Indeed, if there is at least some understanding on the part of those negotiators that they are dealing with people who have never given away that land and that they are dealing with the owners of that land, the attitude may be more acceptable to the Aboriginal peoples.

Senator GRIMES (Tasmania—Minister for Community Services) (12.12)—I thank honourable senators for their contributions. I think it is a pity that the Opposition cannot support this legislation, for all the reasons given by Senator Macklin. The Government has decided to give freehold rather than leasehold title to this land. As Senator Macklin said, it has been a long time getting to this position with a lot of negotiations by governments of both political persuasions. Like Senator Macklin, I hope some lessons have been learned on both sides, but I think it is now appropriate that this Parliament should put the matter to rest by passing this legislation to give some form of justice and recompense to a community which has suffered considerably over the years. Senator Lewis raised the matter of public access and I would have thought that was covered pretty clearly particularly in clause 49 of

the Bill which gives the Minister the capacity—that Minister will use that capacity—where he is satisfied that it is desirable that the public should continue to have access to a place which the public had access to before the place became Aboriginal land, to make a declaration that the public have access to such a place, excepting of course significant sites or land use for domestic purposes. It is my understanding that the public roads have in fact been excluded from the maps that were drawn up so that it becomes a matter of what happens in the parklands and areas of public use. That raises the matter raised by Senator Macklin about the liability of the community for things that may happen on public land which is in fact technically owned by it. I have been assured by the advisers here that the community will not be liable under such circumstances, but I am not clear that that is sufficient for Senator Macklin. If it is not, in the Committee stages I will get further information under those circumstances. I thank honourable senators for their support and urge the passage of the legislation.

Amendment negatived.

Original question resolved in the affirmative.

Bill read a second time.

In Committee

The Bill.

Senator MACKLIN (Queensland) (12.15)—I thank the Minister for Community Services (Senator Grimes) for the response at the second reading stage. Would it be possible, at a later stage, to have that checked? I know that there is a certain amount of concern in that area and, considering the financial paucity of the community, I think there needs to be a fairly strong assurance that it is not going to be involved in any litigation.

Senator GRIMES (Tasmania—Minister for Community Services) (12.16)—The situation, according to the Attorney-General's Department, for instance, is that as the land will be gazetted for these purposes any liability for negligence et cetera will be on the Commonwealth rather than the community. I will get a more detailed response to Senator Macklin and the community for that purpose.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by **Senator Grimes**) read a third time.

AUSTRALIAN LAND TRANSPORT (FINANCIAL ASSISTANCE) AMENDMENT BILL 1986

Second Reading

Debate resumed from 25 September, on motion by **Senator Grimes**:

That the Bill be now read a second time.

Senator ARCHER (Tasmania) (12.17)—I wish to speak to the Australian Land Transport (Financial Assistance) Amendment Bill 1986, but briefly. I move:

At the end of the motion, add: “, but the Senate condemns the Government for its disgraceful neglect of the nation’s roads by—

- (a) being responsible for a dramatic fall in federal expenditure in real terms since 1983-84 from 2.12% of total budget outlays to 1.95% in 1984-85, and 1.78% in 1985-86 and an estimated 1.67% this financial year, as measured by the Australian Automobile Association;
- (b) retaining federal expenditure on roads at the same nominal level at \$1245 million for the third year in succession;
- (c) creating the dismal record of being responsible for the only 2 years since 1976-77 in which federal road expenditure has not increased in nominal terms;
- (d) reducing the allocation to roads while increasing fuel excise tax by over 300% in 3 years of Government;
- (e) artificially reducing the budget deficit by \$24 million and depriving the Australian Land Transport Program (ALTP) of this much needed finance, which has already been collected and allocated from fuel excise tax; and
- (f) generally abusing the trust fund principle for the ALTP and the Australian Bicentennial Road Development Trust Fund to cover the reduction in the Government’s budgetary commitment to roads”.

The purpose of the Bill is to institute the announcement of the Minister for Transport (Mr Peter Morris) on 12 June that the rate of duty of excise and customs duty payable to the Australian land transport program would be reduced by 0.235c per litre from 1 July 1986. It was significant that the Minister’s speech included a very generous paragraph which said:

Road transport is a fundamental part of the Australian way of life. Well designed and constructed roads make significant contributions to Australia. They reduce costs. They save lives. They encourage all forms of industry. They repay to Australia far more than their cost.

Then, as one would expect, there is an however clause after that and the however clause produces the sorts of figures that I have already given in the amendment—that 2.12 per cent of

Budget outlays in 1983-84 was reduced to 1.95 per cent in 1984-85, and to 1.78 per cent in 1985-86; and looks like it will be 1.67 per cent in this financial year. This does affect life and limb, besides increasing the costs of transport, repairs and tyres. It seems to matter nothing to this Government, which has funny priorities about it being better to spend the money on redecorating the Lodge or something, but such matters as this are remembered by the people out there. The people who use the roads, whether for pleasure, business or industry, do expect at least to get what they have paid for.

I have moved the amendment standing in my name, but I do not wish to hold up the passage of this Bill beyond indicating that particularly the non-metropolitan community is entitled to be pretty upset by this typical sellout of its interests.

Senator VIGOR (South Australia) (12.20)—The purpose of the Australian Land Transport (Financial Assistance) Amendment Bill 1986 is to reduce the proportion of excise imposed on petrol, fuel and diesel fuel which is paid into the Australian land transport program. This is in direct contravention of a government promise to keep this up. The Commonwealth collects a total rate of duty or excise of Customs of 20.185c per litre, of which 3.845c per litre is paid to the Australian land transport program, 2c per litre to the Australian bicentennial roads development program, and 14.34c per litre into Consolidated Revenue. Clause 3 of the Bill provides for the rate of duty payable to the Australian land transport program to be reduced from the current rate of 3.845c per litre to 3.610c per litre. This change is to be operative from 1 July this year. Apparently it is a Budget measure so, although the Opposition deplores it, it is not in a position to vote against it. It has, hence, moved an amendment deploring the whole thing and is going to pass the Bill through this Parliament.

The Australian Democrats, who are committed to ‘keeping the bastards honest’, find it very difficult to do this under these circumstances. We will support the Opposition’s amendment, the sentiments of which we agree with, but we will also vote in accordance with those sentiments to make certain that Australian road users are not ripped off in this way.

The effect of this Bill is to reduce the amount of Federal road fund finance for 1986-87 by \$50m, which is a quite substantial amount. This, of course, is in addition to the Budget reductions in funding of \$24m and it takes Federal road funding down to \$1,245m for the 1986-87 period.

Although we agree that roads are vital, the Government is currently significantly cutting back on the road funding program, which is having an enormous effect on country areas, particularly in large States such as the one I represent. It is certainly true that this Government is facing significant economic problems and that it has a strong incentive to reduce the domestic deficit. However, running down the vital infrastructure is not the road to economic prosperity; it is the road to disaster. Our industries need an efficient and well maintained road system. The Government is attempting what is a very artificial deficit reduction. The long term costs will be higher and in the short term road users will pay not only in money terms through problems with their cars, trucks and other vehicles which will be damaged by roads but also in terms of potential accidents, in which they will pay with their lives.

The ALTP is the only Federal land transport funding program which provides funds for maintenance. The ALTP in this regard is distinct from the bicentennial road development program under which funds are available only for construction. Clearly we badly need substantial maintenance programs on our roads. Anybody who has travelled on the arterial roads in the States will realise this.

Similarly the Government repays excise to the railways in Australia through the ALTP and this will not be fully returned to the railways. So again in this Bill we are not returning to the railways their due part of the moneys which are levied through this excise. This will be a problem in terms of running down the infrastructure of another of our transport systems.

The Bill, in fact, robs the trust fund. The rate paid into the ALTP was originally 3.66c per litre which was indexed to the consumer price index so that available funds would be increased along with costs. The proposed amendment in this Bill reduces the rate to 3.61c per litre, which is below the original figure, including the CPI adjustments. In the face of this, the Government has still not come clean on another \$25.6m which I will ask the Minister for Community Services (Senator Grimes) to comment on, as this amount will apparently remain unspent because of reduced payments from the ALTP. I do not exactly know what it means to leave this money lying on the ALTP. This \$25.6m would be sufficient, I point out to the Minister, for a bridge over the River Murray somewhere in my State, where there are only five bridges along the whole length of the River Murray. There is no decent

bridge on the Adelaide to Sydney road near Berri. This money also could be put to vital use in many areas around the country for bypasses and other places where there are tremendous dangers from crossings.

Rural arterial roads moneys from the Australian Bicentennial Road Development Fund are being used to build bridges on the Sturt Highway over the River Murray at Mildura and over the Lachlan River at Balranald. In South Australia, particularly in the South Australian Riverland, we need similar investments. Of particular importance to South Australia is the Government's continued neglect of the Sturt Highway between Adelaide and Sydney. I point out to the Minister that nearly 500 trucks and semi-trailers travel on this major link each day. Social and economic considerations demand that the Sturt Highway be reclassified from a rural arterial road to a national highway so that it can actually get some of these funds and be maintained properly. My children have just driven across from Adelaide and report the road to be in quite poor condition in a number of places. Despite these areas of pressing need, the Government is cutting roads money.

The Australian Democrats will oppose this Bill. However, as I understand that the Opposition will be supporting the Government, if the Bill passes the second reading stage and goes into Committee, so that the people of Australia can get proper reporting on how these funds are being spent on a State by State, road by road, project by project basis, we will move that there be a requirement that an annual report be published concerning the ALTP. I believe that it is simply not good enough, in the interests of public accountability, for this system to proceed without any proper reporting. I point out that we will support the Opposition's addition to the motion for the second reading of the Bill.

Senator GRIMES (Tasmania—Minister for Community Services) (12.29)—I thank honourable senators for their contributions. What we have heard again from Senator Vigor is a repeat of other speeches he has made in this place—absolute, complete and utter disregard for any Budget deficit concepts and blind opposition to everything the Government does; opposition which, if successful, would blow out the Budget deficit by an amount that would not be acceptable to this community, nor should it be acceptable to this community. If Senator Vigor wants to do this with all the legislation, including the Budget legislation, that is good enough for him but it is not good enough for the Government

and I can see that it is not good enough for the Opposition. Also, it is not a very rational way to behave.

Senator Vigor's amendment would provide for publication of a separate detailed annual report on operations of the Australian Land Transport Trust Fund. We consider the amendment unnecessary and oppose it. Of course we are conscious of the need for accountability in trust fund operations, but we consider the reporting needs are adequately met by the existing arrangements. The annual report of the Department of Transport is tabled in both Houses and provides details of both the ALT Trust Fund and the Australian Bicentennial Road Development Trust Fund, of payments into and out of the trust funds, summarised payments to States and local governments, summaries of national highway and arterial road programs and a combined summary of the work in progress under both the ALTP and the ABRD arrangements. Combining a summary of both programs in the Department of Transport annual report gives the Parliament and the public a more comprehensive overview of Federal road programs. While details for the ALTP local roads are not as comprehensive as those in the ABRD report, the nature of funding for these roads is different. The ALTP local road funds are distributed under a formula and not approved by single project. Any need for more detailed information on the road program can be met directly through the Department of Transport and through questions to the Parliament.

It is surprising that the \$25.6m held in the ALT Trust Fund should provoke such criticism. By allowing some accumulation of balances in the trust fund, these funds are not lost to roads. The balance is held over for roads and spent in the remaining life of the programs. The funds will be invested and earn interest which will protect their real values. If these balances were released this financial year, they would add directly to the Government's expenditure and deficit. It is a Budget decision—a decision made in the light of the existing difficulties that this country is recognised to have.

The second reading amendment moved by Senator Archer is, as I have found in my 14 years in this Parliament, one of a type moved by both sides of the Parliament. I merely say that the Government has a very real concern for the maintenance of an adequate road transport system in this country. There has been a significant increase in funding since the 1981-82 Budget. We recognise the importance of transport in a

country as diverse as ours and with vast distances, but in this area, as in any other area, we cannot be insulated from the need for budgetary restraint. That is what has happened this year in a very marginal sort of way. I commend the Bill to the Senate.

Amendment agreed to.

Original question, as amended, put.

The Senate divided.

(The President—Senator the Hon.
Douglas McClelland)

Ayes	58
Noes	5
Majority	53

AYES

Archer, B. R.	Jessop, D. S.
Aulich, T.	Jones, G. N.
Baume, Michael	Kilgariff, B. F.
Baume, Peter	Knowles, S. C.
Bjelke-Petersen, F. I.	Lewis, A. W. R.
Black, J. R.	McClelland, Douglas
Boswell, R. L. D.	MacGibbon, D. J.
Brownhill, D. G. C.	McIntosh, G. D.
Carrick, Sir John	McKiernan, J. P.
Chaney, F. M.	Maguire, G. R.
Childs, B. K.	Messner, A. J.
Coates, J.	Morris, J.
Coleman, R. N.	Newman, J. M.
Collard, S. J.	Parer, W. R.
Colston, M. A.	Puplick, C. J. G.
Cook, P. F. S.	Ray, Robert
Cooney, B.	Reid, M. E.
Crichton-Browne, N. A.	Reynolds, M.
Crowley, R. A.	Richardson, G. F.
Devlin, R.	Robertson, E. A. (Teller)
Durack, P. D.	Ryan, S. M.
Elstob, R. C.	Sheil, G.
Foreman, D. J.	Short, J. R.
Georges, G.	Sibraa, K. W.
Gietzelt, A. T.	Townley, M.
Giles, P. J.	Vanstone, A. E.
Grimes, D. J.	Walters, M. S.
Guillfoyle, Dame Margaret	Watson, J. O. W.
Hamer, D. J.	Zakharov, A. O.

NOES

Haines, J.	Sanders, N. K.
Macklin, M. J. (Teller)	Vigor, D. B.
Powell, J. F.	

Question so resolved in the affirmative.

Bill read a second time.

In Committee

The Bill.

Senator VIGOR (South Australia) (12.42)—
I move:

Page 2, after clause 5, add the following clause:

"6. The Principal Act is amended by adding after section 37 the following section:

'Annual Report

'38. The Minister shall, as soon as practicable after 30 June in each year, cause a report on the operation

of this Act during the year ending on that date, including details of—

- (a) moneys paid into the Fund;
- (b) moneys paid out of the Fund; and
- (c) all projects and programs approved under Part III, including dates of commencement and conclusion of each project, and any variations of projects and programs,

to be laid before each House of the Parliament.'”.

This amendment, as I said in the second reading debate, makes it a statutory requirement to have an annual report tabled in Parliament associated with this proposal. The Bicentennial Road Development Trust Fund Act requires an annual report and this would bring about symmetry between the two programs and a similar and sensible reporting system in which we do not overload the annual report of the Department of Transport with a lot of figures from both areas. We can obtain specific figures on each program separately. The Democrats have moved an amendment providing that under the Australian land transport program there should be a reporting structure and in our amendment we set out what is required in the annual report. That includes details of new projects and changes to projects in all road categories in all States. This would be a reasonable size document, but would give us knowledge of how the funds in this trust fund are being spent.

Under our proposed amendment to the Australian Land Transport (Financial Assistance) Act, as well as requiring the tabling we spell out what details of road projects will be required. Given the amount of public funds invested in road construction and maintenance, I believe that the public is entitled to have more access to information about the nature of this expenditure. Currently, especially with the cutting down of the freedom of information program, it may be difficult for people in the community to get direct information about specific projects which are funded under this scheme. People could go directly to the annual report which would save a considerable amount of Public Service time in answering specific questions as to how the money is being spent. I commend the amendment.

Senator GRIMES (Tasmania—Minister for Community Services) (12.43)—The Government opposes the amendment, for all the reasons I gave in the second reading debate.

Proposed new clause negatived.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by **Senator Grimes**) read a third time.

Sitting suspended from 12.44 to 2 p.m.

QUESTIONS WITHOUT NOTICE

TREASURER: TRAVELLING ALLOWANCE

Senator MESSNER—I direct my question to the Minister representing the Treasurer. In view of the imprecise nature of the guidelines laid down in Taxation Ruling MT 2030 with regard to the distinguishability between travelling allowances and living away from home allowances, does the Minister consider that the distinction between these two classes of allowances is unclear and should be determined by reference to individual circumstances? The tax ruling provides the following guidance on this matter:

Employees who move to a new locality to take up a position of limited duration with an intention to return to the old locality at the end of the appointment would generally be treated as living away from their usual place of residence;

On this basis will the Minister concede the possibility that Mr Keating's travelling allowance may be considered a living away from home allowance, and hence subject to the fringe benefits tax?

Senator WALSH—The answer to the last part of the question, of course, is no. I am not familiar with ruling MT 2030 or how selective the purported quotation from it may have been. But we are at last starting to get to the nub of this matter. What the Opposition collectively has not been able to sort out for several months, of course, is the confusion that obviously exists in the mind of the Opposition regarding the distinction between travelling allowance and a living away from home allowance. A travelling allowance, of course, could not under any circumstances be subject to fringe benefits tax. A living away from home allowance, depending on its size, may be.

Senator MESSNER—Mr President, I ask a supplementary question. Again, the Minister, I am afraid, has not grasped the point. The quotation I gave made it quite clear that the ruling in respect of this matter means that a living away from home allowance applies when a person is in a place for a temporary purpose. Is this not the circumstance applying in the Treasurer's case? Therefore is he not subject to that ruling and to the fringe benefits tax?

Senator WALSH—I have answered the question.

AUSTRALIAN FEDERATION OF EMPLOYERS

Senator ELSTOB—My question, which is directed to the Minister for Industry, Technology and Commerce, refers to the schisms which have recently developed in the Australian Federation of Employers. Do the withdrawal from the AFE of the Housing Industry Association and the refusal of the Confederation of Australian Industry to partake in the AFE's politics of the New Right indicate that there is widespread support amongst employers for the considerable progress being made in the economy and in industrial relations under this Government? Do these developments reveal that the base of support for the extremist policies of the New Right is very narrow?

Senator BUTTON—I am not sure that it reveals all of that. I think the withdrawal of the Housing Industry Association from the Australian Federation of Employers is significant because it is couched in terms of recognising that the Australian Federation of Employers, apart from purporting to be a representative body of employers, is a highly political organisation. It has been widely recognised in business for some time that Mr Andrew Hay of the Australian Federation of Employers has used that organisation as a sort of personal launching pad into politics and has manipulated the organisation very vigorously for that purpose. I say that that is quite widely recognised, and it is. When one puts that fact together with Mr Hay's wit and charm—one has only to see him on television to see what a natural wit he is and how good he is at communicating views which he would hope would appeal to the community at large—one realises that bodies such as the Housing Industry Association have put those two things together and have determined that the organisation is not for them.

Of course, it is unusual for any body which purports to represent a wide range of organisations to be so political as to target particular seats in any forthcoming election and to announce that it will campaign in particular seats for particular results. That is unusual in the history of Australian politics, and it is desirable that it is unusual. The Australian Federation of Employers has departed, not only from the norm in regard to public announcements, but also from a number of norms regarding what we as a government accept as civilised political and industrial behaviour. For example, one of the ex-

traordinary events of 1986, when people look back on it, will be the fact that Peko-Wallsend Ltd, through its subsidiary Besco Batteries, sacked 350 workers with one hour's notice.

Senator Gietzelt—Disgraceful.

Senator BUTTON—That is disgraceful in any normal, industrially civilised society. It is those sorts of standards which have been espoused to some degree by the Australian Federation of Employers and which we believe a civilised community should not be prepared to accept. I fully understand the point of Senator Elstob's question when he asked whether these recent developments revealed that the base of support for extremist policies of that kind is very narrow: It is, and it ought to be.

TEXTILE, CLOTHING AND FOOTWEAR INDUSTRIES

Senator CHANEY—I refer the Minister for Industry, Technology and Commerce to his recent announcement about future assistance for the textile, clothing and footwear industries. That announcement stated that the package will include a number of special assistance and adjustment programs as well as the establishment of an industry development authority. The programs nominated by the Minister include a raw materials processing program, an industries efficiency program, an industries infrastructure program, and measures for labour adjustment and regional adjustment. In the interests of being able to assess his announcement more adequately, when will he provide details of the various assistance programs? In addition, can he give a more precise indication of the role, membership and powers of the authority? In particular, can he explain the authority's role in triggering the so-called safety net mechanism and the extent to which, if any, the authority can alter provisions of the plan?

Senator BUTTON—The broad parameters of the Government's decision on textile, clothing and footwear were announced last week. Senator Chaney's question is, if I might say so—and I hope he accepts this in the right spirit—a highly legitimate question.

Senator Chaney—Oh, thank you, John.

Senator BUTTON—I used the word 'legitimate' to contrast it with the rest of the questions he has asked this week, which I would regard as illegitimate. I was really congratulating him on giving up asking bastard questions on the last day.

The Government has to spell out details of the programs. What I was trying to say—I prob-

ably put it badly, and I apologise for that—was that we have to provide those details as soon as possible. Other Ministers are involved in the detail of some of those programs. Mr Willis, for example, is presently overseas and, I think, returns to Australia today. There will be early Cabinet consideration of the labour adjustment program and so on. I hope to have all of those matters finalised before Parliament resumes, and make a statement to Parliament about the whole textile, clothing and footwear package early in the autumn session. That statement will embrace not only the additional details which have been sought but also some attempt at outlining the philosophical assumptions under the textile, clothing and footwear plan.

Senator Chaney went on to ask me what would be the role of the authority in changing levels of assistance under the plan. The role of the Authority will be essentially to facilitate the various programs which will be spelt out in greater detail but which were adverted to in the first Press release I made in regard to this matter. The role of the authority in changing levels of industry assistance would extend to providing in certain circumstances only for a one-year halt in the phase down of penalty tariffs. That would be the extent of its power. If it were to recommend any other change in assistance under the plan it would have to recommend that the matter be referred to the Industries Assistance Commission in broad outlines. That is the extent of the function of the authority in making any recommendations regarding changes to the levels of assistance.

Senator Chaney—Membership?

Senator BUTTON—The membership will be announced early next year.

KERGUELEN ISLANDS

Senator McINTOSH—Is the Minister representing the Minister for Foreign Affairs aware of reports that the Australian master of the vessel *Southern Raider* who is currently detained by the French authorities on Reunion Island claims to have been given firm indications that France is developing facilities for nuclear testing on the Kerguelen Islands in the southern Indian Ocean? Taking into account what has been said before on this matter in the Parliament, does the Government intend to make further inquiries to establish what French intentions are with regard to Kerguelen—an area which, as I have said many times in the past, is capable of having a very direct impact on Australia's atmospheric and ocean environment?

Senator GARETH EVANS—I am of course well aware of Senator McIntosh's very longstanding concern on this matter. As I recall, he first raised it back in 1981 and since then he has pressed it on behalf of his constituents in Western Australia. The Government is not aware of any evidence to support the claims being made by the two Australians, Mr John Chadderton and Mr Alastair Annandale, being held on Reunion Island on charges in connection with the apprehension of the trawler *Southern Raider* last October, that the French authorities are planning to move France's nuclear testing program to the Kerguelen Islands. The latest claim by Mr Chadderton, which is reported today, repeats the claims by Mr Annandale reported in the Press in October.

The Government would, of course, be most interested in any such development and is again checking the latest reports as it has checked previous such reports. But speculation along these lines is not new. In December 1984 comments by the French Consul-General in Melbourne that France might move its nuclear testing program from Mururoa Atoll to the Kerguelen Islands aroused considerable media interest. In 1985 the then French Minister for Defence denied that France had any such plans.

The Australian Government would, of course, be as strongly opposed to French nuclear testing in proximity to Australia in the Indian Ocean as it is opposed to France's current testing in the Pacific Ocean. Our assessment is that a move of the testing program from French Polynesia to the Kerguelen Islands would be unattractive to France on political grounds and in view of the considerable economic cost that would be involved in relocation of facilities.

SAND MINING: SHELburne BAY

Senator MACKLIN—I refer the Minister representing the Minister for Arts, Heritage and Environment to the report of the Senate Standing Committee on Science, Technology and the Environment concerning Shelburne Bay which recommended that sand mining not be permitted in this National Estate area. I ask the Minister: Is the Government aware of the considerable activity which has taken place in the Shelburne Bay area in the last couple of days with a number of helicopters ferrying in a considerable amount of equipment to the proposed mining site? Will the Government now give consideration to the implementation of Senator Sanders's private member's Bill to prevent mining in the area? If not, will the Government use its foreign investment powers, given that the Shelburne Bay

development will not only result in the loss of a unique natural environment but also endanger the silica operation already in existence at Cape Flattery?

Senator RYAN—I shall have to refer those matters to Mr Cohen and ask him to respond.

COMMONWEALTH PAYMENTS TO HOSPITALS

Senator HARRADINE—Is the Minister representing the Minister for Health aware that delays in promised Commonwealth payments to certain public hospitals in the charitable category are causing unbearable interest burdens on and cash flow problems to those hospitals? Will the Minister or the Prime Minister adopt a Father Christmas role and ensure that the departmental officers are instructed to make the promised payments before Christmas?

Senator GRIMES—Having had some warning on this, my staff contacted the office of the Minister for Health, who is in the process of contacting the Prime Minister and the Department of Finance to expedite those payments as soon as possible.

Senator Sheil—He is sitting right beside you.

Senator GRIMES—Yes, I know Senator Walsh is there. We understand the concern of the organisations involved. I hope to be able to give Senator Harradine and those organisations some good news very soon.

COMMONWEALTH PAYMENTS TO HOSPITALS

Senator BJELKE-PETERSEN—My question to the Minister representing the Minister for Health follows Senator Harradine's question. Is the Minister aware of the devastating effect that the removal of the day care subsidy from private hospitals and non-profit religious and charitable institutions such as Mount Olivet Hospital for the incurably sick and dying in Brisbane is having, and that Mount Olivet Hospital has warned that things are so bad it could have to close? What does the Government intend doing to remedy the hardship being caused to these hospitals and their patients and in particular the hardship being caused to Mount Olivet Hospital?

Senator GRIMES—Mount Olivet is one of the hospitals that were mentioned by Senator Harradine previously. It is a hospital which requires special assistance grants. Under the legislation, approval is needed from the Department of the Prime Minister and Cabinet for such payments and that is being obtained as soon as possible. Again, as with Senator Harradine, I

shall get the news to Senator Bjelke-Petersen about what is happening as soon as possible.

AUSTRALIAN WAR MEMORIAL

Senator McKIERNAN—I refer the Minister for Veterans' Affairs to the editorial in the *Sydney Morning Herald* on Wednesday, 3 December, regarding the Australian War Memorial. The editorial states that the current dispute is due to a personality difference between the Minister and the Memorial Director. Is this a factual analysis of the situation?

Senator GIETZELT—Yes, I have seen the editorial. I have written to the editor of the *Sydney Morning Herald*, who has promised to publish a rebuttal of the very simplistic and superficial approach taken by the editorial writer on the matter. I know of only one occasion when the Director of the Australian War Memorial, Mr Flemming, went public and that was on the day on which the Council of the Australian War Memorial decided to carry unanimously a motion of no confidence in the Director. Of course, the three services chiefs and a number of other prominent members of the Memorial Council participated.

When the matter was canvassed on a radio station in Victoria on that day the compere of the program asked the Director about his relationships with me, the Minister. Air Vice-Marshal Flemming replied: 'Oh well, very good. The current Minister has been very helpful to the Australian War Memorial'. Of course, that indicated the nature of our personal relationships.

The issues that are involved in the difficulties that exist between the Government and the Director are about maladministration and not about policy. The Minister has no authority within the Act and neither he nor the Government has any intention of changing the policy for the Australian War Memorial. Consequently, there is very little substance in a number of the matters that have been raised.

I particularly want to indicate that, as far as I am concerned, there is no personality problem and I am sure that that is the case with respect to Mr Flemming. Of course, that puts in relief the incorrect attitude that has been taken by a number of editorial writers. I was asked about the editorial in the *Australian* several days ago. That was found to be factually wrong. In respect of a number of assumptions that were made in the *Sydney Morning Herald* editorial, they are equally based on a lack of information, a lack of knowledge and a lack of understanding of the problems that exist. But the management of the

Sydney Morning Herald has promised to print my rebuttal of those statements and I trust that it will do so in tomorrow's edition.

AUSTRALIAN CAPITAL TERRITORY ORDINANCES AND REGULATIONS

Senator LEWIS—My question is directed to the Minister representing the Minister for Territories. Is it not a fact that important legislation affecting the Australian Capital Territory has been in the pipeline for up to two years and that even the 1986 annual report of the Department of Territories acknowledged that satisfactory progress has not been made and that currently there are 156 approved proposals for Australian Capital Territory ordinances and regulations at various stages of development as at 30 June? Is it not also a fact that the Government has consistently ignored the priorities of the Australian Capital Territory community when progressing the very limited output of legislation achieved? What action, if any, has been taken to overcome the critical shortage of draftsmen in the Department and to overcome the serious backlog? When might some of these proposals, especially those relating to adoption and workers compensation, be expected?

Senator GIETZELT—As I understand it, there is a serious problem in drafting Australian Capital Territory ordinances but that is not the responsibility of the Minister for Territories. The responsibility for the drafting of legislation and ordinances is entirely within the Department of the Attorney-General. I think the Senate will appreciate that the reason why we are still sitting is that there has been a very large legislative program. To that extent it is beyond the capacity of the Attorney-General's Department to provide various Ministers with advice, guidance and assistance in preparing both ordinances and legislation in those circumstances. I understand that the matter has been compounded as a result of the rather difficult and obstinate position taken by the Senate in refusing to pass the legislation which would have transferred a large number of the legislative functions to the new authority. Of course, that means that it remains the responsibility of the Commonwealth Government. To that extent it is a matter of some regret that we are faced with these circumstances.

Some of the critical issues that Senator Lewis has referred to are obviously accepted. However, the Government is hoping that, when the Senate finally rises, some immediate attention will be given to these ordinances because we recognise the importance of that. As I recall it, in the period that I have been in the Senate, I think

this has been more or less an annual problem that has been with us from government to government. Of course, it just indicates how important it is that, in this case, the Attorney-General's Department has adequate resources and funds to carry out the functions that Ministers and parliaments want from time to time. Of course, there is an acute shortage of trained staff capable of doing the sort of work that Senator Lewis has referred to.

Senator LEWIS—Mr President, I ask a supplementary question. Is it not a fact that, earlier this year, there was a rearrangement of ministerial administrative arrangements by the Prime Minister which transferred to the Minister for Territories all those arrangements which had previously been administered in other Government offices? In those circumstances, why were these facilities not transferred to the Minister for Territories? Why have they been left in the Attorney-General's Department? If the Minister does not know the answer to that question can he ascertain it from the Prime Minister for me?

Senator GIETZELT—I do not have a specific answer to that question. The Minister representing the Attorney-General is not able to answer that specific question either but, as fairly important questions have been raised, I will seek an early response.

PILOTS LICENCES

Senator COONEY—My question is directed to the Minister representing the Minister for Aviation. Are there circumstances where officials of the Department of Aviation suspend and revoke pilots licences without resorting to legal process? If so, under what powers do they purport to act? How many licences have been suspended or revoked without resort to legal process since 1 November 1984? In respect of what offences were they suspended or revoked?

Senator GIETZELT—The Senate would appreciate that Senator Cooney has asked a very important legal question involving the rights of persons who are affected from time to time. Because he recognised that fact he was able to give me a little notice. Unfortunately, I have to indicate to him that it was inadequate notice as I have not been able to obtain from the Minister for Aviation the answers in respect of the four issues that he has raised. This does affect the Department of Aviation. Of course, he has correctly drawn attention in his question to the fact that, obviously, when licences are withdrawn, the rights of people are affected. I am sure that that is what is exciting the honourable senator's

particular interest in the matter. I have tried to obtain an answer from the Minister for Aviation but I have to advise the honourable senator that I am not able to respond. I will again seek an early response from the Minister as soon as possible.

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION

Senator BOSWELL—I refer the Minister representing the Minister for Science to the appointment under consideration of Mr Neville Wran as the new Chairman of the Commonwealth Scientific and Industrial Research Organisation. As the CSIRO was a National Party of Australia initiative and was initially formed to conduct research into primary industry, can the Minister give a guarantee to Australia's farmers that the level of CSIRO's resources devoted to primary industry—currently 28 per cent—will not fall? If not, can the Minister use his considerable influence in Cabinet to ensure that Mr Wran does not put into practice the stated wish of the Minister for Science, Mr Barry Jones, that the CSIRO concentrate less research into primary industry and devote more resources to research into the manufacturing industry and other secondary industries?

Senator BUTTON—I am not sure whether Senator Boswell was saying that the appointment of Mr Wran as Chairman of the CSIRO was a National Party initiative but that is the way it sounded to me. If that is so, we welcome that because, on this issue, the Government and the National Party are of one mind. I share the honourable senator's enthusiasm for the great historic role which CSIRO has played in the development of Australian industries, particularly in agriculture. It has been enormously significant. I do not think it is quite correct to say that the current level of CSIRO resources devoted to agricultural research is 28 per cent but I am not going to the wall about that. I think that has declined a little over a number of years and I am not sure whether that figure is right.

The point of the honourable senator's question seemed to be to ask me whether the CSIRO, for ever and ever, will latch on to some magic figure, such as the figure of 28 per cent which is appropriate for agricultural research, and never depart from that. I do not think that is likely to happen, irrespective of who is the chairman of the CSIRO and irrespective of which political party is in government. I think that is most unlikely to happen. I think it is widely recognised that CSIRO will have an ongoing contri-

bution to make to rural or agricultural research in Australia. This Government will certainly support that contribution because those industries have been great and significant export industries. Even within the agricultural sector I think it is important that CSIRO's research becomes more diversified than it has been. The horticultural sector could benefit from more research from CSIRO and the amount which has been devoted to wheat research might not need to be increased. That is because of the changing pattern of demand from the world for Australia's agricultural products.

The other matter which Senator Boswell should understand is that we have to improve our exports of manufactures and services. We will do that only on the basis of better research and development, better productivity and better products in those industries. CSIRO has a very important role to help with that as well. So at the end of the day I do not think we will be operating with fixed percentages, but we will bear in mind the essential distilled wisdom in the honourable senator's question.

AUSTRALIA CARD

Senator COOK—Has the Minister representing the Treasurer seen a Press release put out this morning by the honourable member for Barker outlining cost savings from the Opposition's alternative to the Australia Card? If so, will the Minister indicate whether the costings in relation to the Australian Taxation Office and other government expenditures made in the document are accurate?

Senator WALSH—I have a copy of the Press release with me. It is a most creative document. It is a great piece of creative writing and creative accountancy. The Opposition claims that its proposed alternative to the Australia Card is \$2.7 billion more cost effective than the Australia Card. First the Opposition claims that its costings are based on the same assumptions as those the Government used, an assertion which is as dishonest as it is stupid. Next the honourable member for Barker raised the spectre of compulsory work for the dole as a panacea for welfare fraud in the unemployment benefit area, but he totally disregarded the huge costs of setting up the appropriate work programs. To give one example, one of the looser ideas that flew off the top of the head of the Leader of the Opposition about six months ago was to require all the unemployed to undertake three days per week tertiary training. This measure would cost around \$600m for the cheapest form

of tertiary training, that is, technical and further education colleges.

Mr Porter then went on to resurrect the Liberals' claims of a few weeks ago that the House of Representatives Standing Committee on Expenditure had indicated that several billion dollars was not being collected by the Australian Taxation Office because of poor administration. The \$2 billion figure that was quoted at the time included—indeed it almost entirely comprised—revenue from the fringe benefits tax, substantiation, the disallowance of entertainment as a deduction from taxable income and so on; in other words, all the measures which the Opposition, had it had its way, would have knocked off in the Senate.

Mr Porter's document went on to say that the Liberals would require banks to record names, addresses, dates of birth of account holders and the reporting of interest earned, which is marginally more than the present requirements but would not achieve very much in the way of stamping out false identities. The costings assume that one could act simultaneously. The Opposition's figures for picking up lost revenue on undeclared interest start in 1986-87, when Mr Porter ought to know that, even under his proposal, new computer facilities would be required. Moreover, the tax is unlikely to be collected until the following financial year. I could go on and on, but in view of the desire of other senators to ask questions, I will not go any further. As I said at the beginning of my answer, the document is a great piece of creative writing and creative accountancy.

SOCIAL WELFARE FRAUD

Senator SHORT—My question is directed to the Minister representing the Treasurer. When recipients of social security benefits are also in receipt of other income and notify the Australian Taxation Office of this other income, is it the policy of the Taxation Office to advise the Department of Social Security of the existence of this other income? If not, would such notification have any significant impact on reducing social welfare fraud resulting from overpayments which the Department of Social Security has identified as the main component of social welfare fraud?

Senator WALSH—In regard to the first part of the question, I might be able to get some more detailed information later but what actually happens is the reverse of what the question suggested, that is, the Department of Social Security supplies information to the Taxation

Office rather than the Taxation Office supplying information to the Department of Social Security. I do not believe that section 16 of the Income Tax Assessment Act would allow the Tax Office to supply specific information about the taxable income of individuals to the Department of Social Security. However, as I understand it, the supply of information to the Tax Office from Social Security is certainly useful to the Taxation Office and may be useful in social security law enforcement. The weakness in that present system or any variant of it is that it only picks up people who have the same name. It may pick up the case of a pay as you earn taxpayer, an employee who is simultaneously drawing a social security benefit, but only if that person is using his correct name in drawing the social security benefit. If he is employed under one name and drawing a social security benefit under another name, there is no way that cross checks between the two departments can be fully effective. The critical point—I will wind up on this—is that we must have a system which ensures that everybody who has dealings with the Government or a bank uses the same name and the correct name every time. Of course, the only way to ensure that is to vote for the Australia Card.

TOWNSVILLE REHABILITATION CENTRE

Senator REYNOLDS—Will the Minister for Community Services report on new decentralisation procedures involving the Townsville rehabilitation centre in offering better services throughout north Queensland? How will community use of this centre be managed following the major restructuring of rehabilitation in this region?

Senator GRIMES—Townsville will retain its rehabilitation unit to service the rehabilitation needs of Townsville and its immediate area. It will also have a specialist services unit which will provide specialist needs for people with more severe disabilities. Following a suggestion by Senator Reynolds and the local member, the Department of Community Services approached the City Council in Townsville, which has agreed to manage the four residential units located at the periphery of the rehabilitation centre, the Vincent Centre, as part of its emergency accommodation program. It will agree to continue its assistance with the rehabilitation centre by providing accommodation in the community for those who undertake rehabilitation and who need that accommodation.

We are also establishing a regional centre for the Department of Community Services in Townsville to serve the north Queensland area and this will also be located in the Vincent Centre. This will mean that matters such as child care, aged people's accommodation, all the residential programs, home and community care and supported accommodation as well as rehabilitation and disability will have a centre in Townsville. We will no longer have to refer everything to Brisbane. The Department will have this regional presence. It has been easy to do because of the co-operation of the local Council in Townsville. We will also consider moving the artificial limb facilities into the Centre so that we have a central operation for community services and care for the disabled in Townsville. Senator Reynolds and Mr Lindsay, the local member, have been very helpful in making suggestions. As I have said, the Council has been very co-operative. As a result of that very soon we will have a north Queensland centre for the Department which is important in that decentralised State.

LODGMET OF TAX RETURNS

Senator MICHAEL BAUME—Mr President, I would like to thank you for the fair and impartial conduct of Question Time over the many years of your distinguished period in the Chair.

The PRESIDENT—If you keep that up you will get another one.

Senator MICHAEL BAUME—I refer the Leader of the Government in the Senate to his response on 1 December to a question from Senator Sheil in which he claimed it was intellectually dishonest to relate September's statement from the Treasurer that 'among the most common tax offences are failure to furnish information to the Commissioner and failure to file a return' to the Treasurer's present personal situation. As Senator Button said, 'anyone who reads that passage ought to understand that he was talking about failure to file a return at all, not simply to do so late'. I therefore ask the Minister: Why did the 1985-86 annual report of the Commissioner of Taxation show that 170,999 Australians were forced to pay a total of \$45.4m in taxation penalties last year—I quote from that report—because of 'a failure to lodge a return or furnish information by the required date'? Why did the Minister apparently deliberately leave off the phrase 'by the required date' from the Commissioner's report? What is the difference between the Treasurer and those 170,999 other Australians who were penalised last year

for failing to lodge returns on time, quite apart from the 37,000 taxpayers prosecuted and fined \$11m for failure to provide a return at all? How many of these—

The PRESIDENT—Order! Now you are spoiling the question, Senator Baume.

Senator MICHAEL BAUME—This is the concluding element, Mr President. It demonstrates how fair you are. How many of these 170,999 Australians were guilty of no greater an offence than the Treasurer who, unlike them, has escaped penalty tax altogether?

Senator BUTTON—I think we have been through this before, but let me go through it again for the benefit of the simpler minded. I used the expression 'failure to furnish information' and 'failure to file a return' without looking at the Taxation Commissioner's ruling on that matter. I used that expression in that way because that was precisely the terminology which Senator Chaney used and, as I recall it, precisely the terminology which the other Liberal senator who asked me a question about it used. I do not think the words the honourable senator has referred to were added. As I have said on numerous occasions, the relationship between the Commissioner of Taxation and an individual taxpayer is a relationship in respect of which I am no more entitled to particular information than is the honourable senator. I hoped we had reached that point in Question Time earlier this week. In respect of the 170,999 to whom Senator Michael Baume refers, I just give the same answer: In each case it is a question of the Commissioner's discretion. As Senator Walsh has said on numerous occasions, people who file late returns and who do not have a bad record of late filing of returns are not, as a matter of practice, as I understand it, subject to a penalty. Those who have a bad record are, as a matter of practice, subject to a penalty.

Senator Walters—That is not correct.

Senator BUTTON—Senator Walters, presumably, knows better because apparently she lies under the bed or sits behind the couch when the Tax Commissioner is negotiating delicately with defaulting taxpayers. She hears it all.

Senator Chaney—He does a lot of delicate negotiating and a lot of prosecuting.

Senator BUTTON—I understand that, but I am talking about Senator Walters's interjection. She apparently knows better than the Tax Commissioner what happens in these matters—I do not. While the honourable senator's question may contain the results of some arduous research,

and no doubt exhausting research, by him, it contains no new material which requires an answer.

Senator MICHAEL BAUME—Mr President, I ask a supplementary question. I apologise for asking a supplementary question today. I specifically asked: How many of these 170,999 Australians were guilty of no greater an offence than the Treasurer? I ask the Minister to provide an answer from the Taxation Commissioner which does not involve the revealing of any personal information. It is a specific request to find out how many of those 170,999 in fact simply put in a later return on the same basis as the Treasurer?

Senator Walsh—You ought to get the Waste Watch Committee on to the cost of answering that.

Senator BUTTON—I do not mind endeavouring to seek a general answer on that question. Senator Walsh has interjected and provided me with some information which I had intended to use anyway. It is a completely useless interjection, if I might say so. As I understand it, Senator Michael Baume is Chairman of the Liberal Party Waste Watch Committee. He wants a whole lot of people in the Australian Taxation Office and elsewhere poring over these figures in order that we can obtain an answer to this slightly ridiculous question. If I might say so, looking at the honourable senator, he would be better advised to watch his own waste than to worry about the Taxation Commissioner involving himself with that sort of nonsense.

JOINT DEFENCE SPACE COMMUNICATIONS STATION, NURRUNGAR

Senator VALLENTINE—I refer the Minister representing the Minister for Housing and Construction to page 128 of the Department's annual report for 1985-86 and specifically to the \$6.35m now being spent on a design study for extensions to the technology building at the joint facility at Nurrungar in South Australia? I ask the Minister: For what purpose is the technology building at Nurrungar to be extended? Has this project previously been reported to the Parliament? If so, when? If not, why not? Given the extraordinary cost, almost \$6½m, of the design study alone, what is the approximate likely cost of the building extensions themselves? How much floor space is involved? Are any unusual or non-standard features, such as electro-magnetic pulse or nuclear biological chemical protections, called for?

Senator RYAN—The Minister for Housing and Construction has provided me with the following information in response to the honourable senator's question: The item referred to is the construction contract for the building extension program at the Joint Defence Space Communications Station, Nurrungar, announced by the Minister for Defence on 21 October 1986. The purpose of the building program is, as then indicated by the Minister for Defence, to provide better accommodation for both Australian and United States of America staff working at Nurrungar. Cramped computing areas are being extended, some transportable accommodation units replaced and the location of equipment and working areas greatly improved. The project will not change the function of the station. Any changes at Nurrungar are subject to the fullest consultation between the joint partners, and to the full concurrence of the Australian Government. As previously announced, the work is funded by the United States Government. It is not a Commonwealth work in terms of the procedures for reporting to Parliament. The sum shown is for the construction contract. The floor area is 1,250 square metres. The building is being constructed to standards and specifications developed by the United States Air Force. Electrical interference shielding, which is a standard feature of buildings housing computer and communication equipment, would provide a level of protection against EMP. There are no special features for NBC protection.

ILLAWARRA PLANETARIUM PROJECT

Senator VIGOR—Is the Minister representing the Minister for Sport, Recreation and Tourism aware that the Illawarra planetarium project, the highest priority project for the Wollongong area, has been allocated \$1m from the New South Wales bicentennial funds, contingent upon a commitment of steel regions assistance program funds, in time to enable completion for the bicentennial year? Does the Government understand the value of a planetarium as a tourist attraction and an educational facility? In particular, does the Government realise that there are 2,000 planetaria around the world, but no major planetarium in Australia? Is the Government aware of the benefits that the Illawarra planetarium project will bring to the Wollongong area in terms of employment and tourism, as well as being a major educational resource for New South Wales? When does the Government intend to commit funds from the steel regions assistance program tourism funds to allow this

imaginative and essential bicentennial project to proceed?

The PRESIDENT—Order! I call the Minister, and I ask honourable senators once again to reconsider the length of the questions that they ask.

Senator RYAN—Senator Vigor can be assured that the Minister for Sport, Recreation and Tourism, Mr Brown, is well aware of the details of the planetarium project and has noted the views in the many representations he has received on this subject. However, Senator Vigor will be aware of the difficult budgetary situation that the Government faced this year and that only \$2m was provided towards the tourism element of the steel regions assistance program, including \$1m for the Illawarra region. Given this limited funding, and that forward commitment approval has not been forthcoming for the program, the planetarium simply cannot be approved at this time. Senator Vigor ought to be aware that projects of the size of the planetarium can be approved under the program only if the Minister is able to obtain sufficient funds through future budgetary processes.

VETERANS' ENTITLEMENTS

Senator GILES—My question is to the Minister for Veterans' Affairs and it relates to this Government's commitment to improve benefits to those people in the veteran community who have been clearly disadvantaged by their war-time experiences. Will the Minister respond to those snake oil merchants such as the Opposition spokesman, Mr Fischer, who roam around the countryside promising to slash taxes and public spending on the one hand—

Senator Chaney—I take a point of order, Mr President. It is quite unparliamentary to refer to a member of the House of Representatives in those terms. I ask that the reference be withdrawn.

The PRESIDENT—I am sorry, I did not hear it. If the honourable senator used offensive terms against another member of the Parliament, I suggest that the honourable senator withdraw the term.

Senator GILES—I withdraw, Mr President, but it certainly was not intended to be specific. Will the Minister respond to those people such as the Opposition spokesman, Mr Fischer, who roam irresponsibly around the countryside promising to slash taxes and public spending on the one hand and on the other hand criticise the Government's budgetary measures as they relate to veterans?

Senator GIETZELT—'Snake oil' is a very descriptive term, but it happens to fit the meanderings of the shadow Minister as he goes throughout Australia and the way in which he has—

Senator Chaney—I take a point of order, Mr President. Last night, the same little duo behaved in a thoroughly improper fashion. Now we are getting a repetition from the Minister of words that you asked to be withdrawn. I suggest that he is behaving in a way that is clearly in contempt of your ruling and that he should be called to order and made to withdraw.

The PRESIDENT—When the honourable senator asked her question, she used terminology, now used by the Minister, but she was requested by the Chair to withdraw it and she did withdraw. I ask the Minister, in responding to Senator Giles, to remember that the terminology used by her is out of order.

Senator GIETZELT—In the interests of Christmas spirit, I am quite happy to withdraw. When this Government came to office it inherited a \$9 billion deficit. Every Minister was required to make some contribution towards reducing that abnormally large deficit, which the previous Government under Messrs Fraser and Howard had left to this Government to handle when it came into office. All Ministers were confronted with the very painful experience of contributing towards reductions in their portfolios. However, whilst there have been changes affecting my portfolio, which are being exploited by Mr Fischer behind my back, on talkback radio and in newspaper releases while the Parliament is sitting, he has ignored the obvious fact that the savings that have been made within my Department have been spent in other sections of my portfolio responsibility. In fact, there has been more than a 40 per cent increase in my portfolio expenditure in the four Budgets since I have become the Minister. Therefore, one is entitled to be critical of people attempting to exploit situations that were largely caused by over-expenditure attitudes taken particularly by the previous Prime Minister and previous Treasurer who, of course, is now the Leader of the Liberal Party of Australia. To the extent that the Opposition talks about abolishing a whole range of taxes that this Government has been forced to invoke in order to meet its commitments—in my case to veterans—the Opposition's simplistic approach to these problems is not appreciated.

Senator Giles raised a number of relevant questions about my area of responsibility. For

example, under the last Howard Budget, \$383m was spent on disability pensions. We are now spending \$568m which is an increase of 50 per cent. The figure for war widows' pensions was \$262m. That amount has increased by \$201m, which is an increase of 75 per cent. The figure for service pensions was \$1.058 billion. This has risen to \$1.75 billion. I remember answering a previous question about hospitals. In the four Budgets since I have been Minister, expenditure on repatriation hospitals has increased by more than \$100m. So it is totally unfair for Opposition spokesmen to go around veteran groups suggesting that this Government is not interested in the veteran community and is not carrying out its obligations to that community. The expression to which Senator Chaney objected is clearly a very apt description of what the Opposition spokesman has been doing because he has taken a very negative attitude—an attitude which is causing unnecessary distress to people who ought to be left in peace.

AUSTRALIAN BICENTENNIAL AUTHORITY: COMMERCIAL

Senator KILGARIFF—My question is to the Minister representing the Minister for Arts, Heritage and Environment. I refer to the decision of the Australian Bicentennial Authority to drop conservationist, Mr Harry Butler, from the ABA commercial because 'he had become aligned with a sensitive public issue'. Will the precedent set by this decision be followed in all cases where prominent and well-respected Australians, with an association with government authorities or projects, dare to voice opinions which run contrary to those of the Federal Government? Is it not the case that Mr Butler was dropped from the bicentennial promotion, not because he expressed a view on Kakadu but because the view that he expressed was opposed to that of the Federal Government?

Senator RYAN—I do not have any specific information on the matter raised by Senator Kilgariff but I remind him that the Australian Bicentennial Authority is a statutory authority and makes its own decisions about employment, programs and things of that kind. While it is the case that expenditure on bicentennial programs needs ministerial approval, employment of staff is a matter left entirely to the Authority. However, I will refer the matter to the Minister and see whether he has any information.

DEFENCE HOUSING

Senator RICHARDSON—My question is addressed to the Minister representing the Minister for Defence. What is the Government doing to

ensure improved housing is provided to Australian defence personnel? Will the Government be taking any notice of the policy of the Opposition spokesman on local government and administrative services that defence housing should be privatised?

Senator GARETH EVANS—I am able to say on behalf of the Minister for Defence, Mr Beazley, that this year the Government is providing \$66m for defence housing—up 20 per cent on last year and vastly more than the amounts spent by the Opposition in government. Indeed, the problem we face of one-third of defence houses requiring replacement stems directly from the 'Garland freeze' in housing expenditure during the Fraser Government. This Government is in the process of establishing a statutory authority to manage on a commercial basis the 22,000 houses the Defence Department controls. An interim board is to be established in the next month under the chairmanship of Mr John Graham, a former managing director of Civic Constructions Pty Ltd and now a director of that firm and in 1983-84 the National President of the Housing Industry Association.

The authority will seek to negotiate ownership of the 14,000 houses owned by the States and leased by the Commonwealth for defence personnel. It will have the power to buy and sell properties and freedom from other Public Service constraints. This will enable the cheapest possible provision of houses. Reducing costs is particularly important because the return on these houses is low. Service families' rent is subsidised to compensate them for the frequent moves and the requirement to live near base. Another important factor is the averaging of rent whereby service families can be moved across Australia at short notice and be confident of paying the same rent in all locations. Currently, subsidies are in the order of \$75 a week, though this obviously varies widely between locations, ranks and particular houses.

As to the policy of the Opposition as announced recently by Mr Tuckey at a lunch at the Hilton Hotel, where he invited property developers and other investors to tell him which Commonwealth properties they would like him to flog off, it was clear that he made a very special effort to announce the Opposition's intention to get rid of defence housing. In his push for privatisation, Mr Tuckey would obviously appear keen to transfer the subsidy given to service families to the profits of the companies that he wants to sell the houses to. Under his plan, service families could expect to pay market

rents—that is an average of \$75 a week more than they are paying at the moment.

So, in answer to Senator Richardson's question, I can say quite specifically that the Government has no intention of adopting that kind of Opposition policy. I make it clear on behalf of Mr Beazley that the Government completely opposes the idea that defence housing should be sold off and costs of the housing increased to pay profits and increased management costs. The authority that we are setting up will reduce management costs to a minimum and, with the large capital allocations provided in successive Budgets, deliver the urgently needed improvements in service housing.

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION

Senator BUTTON—At Question Time today Senator Boswell asked me a question about the Commonwealth Scientific and Industrial Research Organisation.

Senator Brownhill—It was a very good question too.

Senator BUTTON—I want to rise to the challenge of the question; I am trying to elaborate on the answer that I gave earlier. In the course of answering that question I said that I thought that the percentage of CSIRO resources devoted to agricultural research was less than the 28 per cent suggested by Senator Boswell. That is in fact incorrect. According to the information I have, based on the allocation of professional staff in CSIRO sectors, the percentage allocated to rural research is 29.8 per cent in 1986 as compared with, say, 29.9 per cent in 1983 and 30 per cent in 1981. So really it has been pretty flat and there has been no significant change.

I just make the point that in addition to the resources allocated directly to agricultural research, significant resources of CSIRO are devoted to a whole range of issues such as production, handling, processing and transport which are also, of course, of considerable relevance to the agricultural sector. So, as I said earlier, I share Senator Boswell's concern that the CSIRO should give continuing support to the rural sector and that seems to be confirmed by the information that I have just provided.

FORESTRY INDUSTRY ADVERTISING

Senator BUTTON—On 18 November, Senator Sanders, an Australian Democrat from Tasmania, asked me a question about what he

described as the anti-conservationist media campaign being conducted by the Forest Industries Campaign Association Ltd. There were a number of sub-questions to the main question. I ask that the answer, which is somewhat lengthy, be incorporated in *Hansard*.

Leave granted.

The answer read as follows—

Answer:

1 Total expenditure during 1985/86 for the Australian Manufacturing Council and the eleven associated industry councils was \$1,618,521. This figure includes the salaries of all industry councils secretariat staff.

Of this figure \$110,510 is directly attributable to the forestry and forest products industry council (FAFPIC). \$70,000 of this amount was due to a major consultancy study (for the Minister's information Jaakko Poyry). The remaining \$40,000 was mainly due to expenses of the meetings, the council and its working parties.

The figure of \$110,510 does not include any salary component as salaries are not directly attributable to any one council.

The budget allocation for 1986/87 for the AMC and eleven industry councils is \$2,346,000.

It is not possible to say at this stage what proportion of current funding will be directly attributable to FAFPIC.

2 In its industry strategy FAFPIC identified the need for a public awareness of wood production as a legitimate land use. I understand that the present advertising campaign is part of a general public awareness strategy intended to achieve that objective.

The direction for the campaign of advertisements to which Senator Sanders referred comes from FAFPIC.

I understand that the campaign is managed by FAFPIC's public awareness steering committee, whose sixteen members are either industry or union representatives. Five of these members are also members of FAFPIC. The campaign is operated through FICA, a company formed to provide an operating vehicle exclusively for the awareness raising campaign. Three of FAFPIC's members are also members of FICA.

In respect of involvement by Government employees, I am aware that public servants provided to support FAFPIC have been involved in the campaign under the general direction of FAFPIC public awareness steering committee.

I have had a number of conversations with the chairman of FAFPIC and emphasised to him that I considered that while the council's terms of reference empower it to be involved in such campaigns, it was most inappropriate that public servants be involved in industry promotional campaigns. I should also say that in confirming the council's general capability under its terms of reference to implement key elements of its strategy does not imply that I as Minister, or the Government support each and every action the council might take. I point out that the council is an independent body.

As a result of these discussions the involvement by Government employees is now to be limited to providing normal secretariat support for the council and I can

assure Senator Sanders that there will now be no further involvement with the campaign by employees of the Commonwealth.

3 The council is tripartite in nature and the concept of a public awareness campaign to highlight the need for accessing forests for the timber industry and downstream processing industries was agreed by those tripartite members.

The council established the steering committee to oversight that campaign and a separate company was established to obtain and channel industry funds. The Government has provided no funds for the preparation, publication or screening of the advertisements. Directors of the company come from industry, with one being also a member of the industry council. The only Government support was that provided, as I mentioned before, through the involvement in the campaign by public servants supporting FAFPIC and its steering committee, who also lent guidance and support to the company.

However to avoid any further confusion of responsibilities in the future, as I have already said, this involvement and support by those public servants will now cease.

4 The campaign is industry and union led and industry funded. It is neither for me nor for the Government to lend its support to the contents of the advertisements. I reiterate the point I made earlier that Government support cannot be assumed for each and every utterance or view expressed by the council, just as neither can the Government nor I necessarily be regarded as endorsing every argument or proposition made by the conservation movement, notwithstanding that substantial taxpayers' funds are provided to the conservation movement.

PARLIAMENTARY COMMITTEE REPORTS

Government's Responses

Senator BUTTON (Victoria—Minister for Industry, Technology and Commerce)—Mr President, I seek leave to incorporate in *Hansard* a schedule in relation to the list of reports tabled in the Senate on 3 December 1986.

Leave granted.

The schedule read as follows—

SENATE STANDING COMMITTEES

Constitutional and Legal Affairs

- (i) Commonwealth Law Making Power and the Privilege of Freedom of Speech in State Parliament (Tabled 30.5.85)

Most of the Committee's Report deals with the constitutional question whether the privilege of free speech enjoyed by members of State Parliaments would provide complete immunity from the application of federal law in all circumstances. The Committee took the view that such an immunity existed. A Joint Opinion from the then Attorney-General and the then Solicitor-General also dealt with this matter. It had expressed the view that federal law could override State parliamentary privilege in some circumstances but that the particular pro-

visions of the Royal Commissions Act and ASIO Act relevant to the present matter did not do so.

The Committee made no recommendations on the constitutional question. The different views of the Committee and the law officers on that question are now on public record. It would not be appropriate or fruitful for the issue to be canvassed further.

The Committee did, however, make one recommendation, namely that the expression 'wilful contempt' in relation to criticism or debate of the subject of a Royal Commission should be defined and restricted so that serious critical discussion of the work of a Royal Commission can be published for the information of the public. In the body of its Report, the Committee drew attention to the fact that the question of the law of contempt in relation to Royal Commissions is currently under consideration by the Australian Law Reform Commission. In view of this, the Government does not think that the Committee's recommendation, which was incidental to the constitutional issues under consideration by it, should be adopted in isolation. The recommendation will be considered by the Government when the Law Reform Commission reports on the contempt reference.

Education and the Arts

- (i) Tenure of Academics (Tabled 9.9.82)

The Minister for Education indicated that the Government would be considering the issue in the context of its consideration of the Commonwealth Tertiary Education Commission's (CTEC) review of efficiency and effectiveness which was due to report in June 1986.

The Committee of Review presented its report entitled "Review of Effectiveness and Efficiency in Higher Education" to the Minister at the end of September 1986 and it was released on 24 October 1986.

The Government will be in a position to respond to the Committee's report once it has considered the CTEC report, which contains recommendations on academic staffing in higher education including the tenure issue.

- (ii) A National Language Policy (Tabled 21.2.85)

After the tabling of the report, the Minister for Education explored ways of developing a coherent and comprehensive national language policy. The Department of Education examined and assessed the Committee's report in consultation with other relevant bodies. Progress was made in many fields discussed by the Committee, but the Minister wished to present a response as a fully formed policy.

The report raised complex issues and to ensure that the policy reflects the views of all interested parties, the Minister decided that further careful examination and consultation was required. On 20 April 1986 the Minister announced the appointment of Mr Joseph Lo Bianco, as a special consultant to formulate a National Language Policy for the Government's consideration. Mr Bianco's appointment is for six months, effective from August 1986. It is expected that the Government's response to the report will be made at the conclusion of his appointment.

- (iii) Examination of Annual Reports—5th Report—"Another Look at Children's Television" (Tabled 20.3.86)

The sole recommendation of the Committee's report concerns funding of the Australian Children's Television Foundation. Financial support for the Foundation, which is jointly funded by the Commonwealth, the States (excluding Queensland) and Northern Territory was considered at the Cultural Ministers Council in May this year. The Government's response is in the final stage of preparation and is expected to be presented to the Parliament during the Autumn Sittings 1987.

- (iv) Examination of Annual Reports (Sixth Report)—The Australian National Gallery (Tabled 12.6.86)

The Government does not propose to respond to the Committee's report.

Finance and Government Operations

- (i) Statutory Authorities of the Commonwealth—Fifth Report (Tabled 16.9.82)

As stated in the end of sittings statement on 13 June 1986, the Minister for Finance made a major statement on 10.6.86 on Government proposed policy on statutory authorities encompassing the ambit of this report. The Government does not intend to make any further response.

- (ii) A.C.T. Registrar of Co-operative Societies Annual Report 1983 (Tabled 7.5.86)

The Committee recommended that the A.C.T. Interpretation Ordinance be amended to include a provision to prescribe time limits for the presentation of periodic reports to Ministers and Parliament (where such reports are required by Statute but no limit is specified). The Government agrees with this recommendation and the Attorney-General has directed that the necessary amending Ordinance be prepared.

Foreign Affairs and Defence

- (i) Land acquisition in NSW by the Australian Army—1st Report (Tabled 30.5.86)

The Committee's report recommended that Cobar be rejected as unsuitable for the Army manoeuvre area and that consideration of Cobar be ended.

The Government has decided not to proceed with the proposal to establish an Army manoeuvre training area in the Cobar region. The New South Wales Government has been advised and letters are being sent to the affected land owners.

Industry and Trade

- (i) Australia—China Trade (Tabled 23.8.84)

As the five specific recommendations contained in the report in effect endorse existing Government policy it is not intended to provide any further response.

National Resources

- (i) Development of Bauxite, Alumina and Aluminium Industries (Tabled 25.11.81)

As stated in the end of sittings statement of 13 June 1986, the Government considers it made a final response to this report on 16.10.84.

Science, Technology and the Environment

- (i) Land Use Policy in Australia (Tabled 21.2.85)

The Standing Committee's report on Land Use Policy in Australia makes recommendations which, if accepted by the Government, would have far-reaching consequences involving many areas of Commonwealth and State responsibility. The matter has therefore required very careful consideration by the Government. In line with the Committee's recommendations, the issue of a National Land Use Policy has been raised for discussion in the forum of the Australian Environment Council. A formal response will be made to the Senate as soon as practicable following consideration by the Council.

- (ii) Examination of Annual Reports—Australian Libraries and Information Council

The Government does not propose to respond to the Committee's report.

SENATE SELECT COMMITTEES

Statutory Authority Financing

- (i) Volume 1 (Tabled 8.9.83); Volume 2 (Tabled 13.10.83)

As stated in the end of sittings statement on 13 June 1986, the Minister for Finance made a major statement on 10.6.86 on Government proposed policy on statutory authorities encompassing the ambit of this report. The Government does not intend to make any further response.

Video Material

- (i) Report on Video Material (Tabled 28.3.85)

As the Joint Select Committee on Video Material is continuing the work of the Senate Committee with the same terms of reference, the Government does not propose to respond to this report until the Joint Select Committee has tabled its report.

Animal Welfare

- (i) Dolphins and Whales in Captivity (Tabled 29.11.85)

The report of the Committee raises matters for which the major responsibility rests with the States. Accordingly, the Prime Minister has written to State Governments seeking their views on the recommendation of the report. The Government will provide a response taking account of State views, once these are known.

JOINT STANDING COMMITTEES

Parliamentary Privilege

- (i) Spender Report (Tabled 3.10.84)

The Government has considered with close attention the Report of the Joint Select Committee and is highly appreciative of the thorough and wide-ranging review made by the Committee of the difficult subject of Parliamentary privilege. The Government has also given detailed attention to the related Bills on Parliamentary privilege introduced by the Chairman of the Joint Committee, the Hon. John Spender in the House and by Senator Macklin in the Senate and the draft Bill prepared for the President of the Senate and tabled by him (and the Speaker in the House) on 4 June 1986 and introduced in a slightly amended form in the Senate by the President on 7 October 1986.

The President's Bill is of particular importance because it not only gives effect to the principal recommendations of the Joint Committee for the changes to the law of Parliamentary privilege, as do the other Bills, but also includes provisions avoiding consequences of the interpretation of Article 9 of the Bill of Rights given the judgments by Mr Justice Cantor and Mr Justice Hunt in the NSW Supreme Court in the two Murphy trials.

The law and practice of Parliamentary privileges are, of course, matters of unique concern to members of all parties. Issues of Parliamentary privilege have usually been dealt with in a non-partisan way by members of both Houses. The Government believes the recommendations made by the Joint Committee should be dealt with in this way and that the President's Bill provides an excellent opportunity for members of both Houses to consider those recommendations which can be implemented only by way of legislation. The Government does not consider it is necessary to introduce its own legislation which would only duplicate most of the provisions of the President's Bill. Some recommendations made by the Committee can be implemented by way of resolution or amendment of the standing orders of both Houses and do not require Legislation. I, together with the Leader of the House, in consultation with the Opposition Leaders, will be taking such action as it is necessary to put these recommendations before both Houses during 1987.

MANAGEMENT AND INVESTMENT COMPANIES LICENSING BOARD

Annual Report 1985-86

Senator BUTTON (Victoria—Minister for Industry, Technology and Commerce)—Pursuant to section 46 (3) of the Management and Investment Companies Act 1983, I table the Management and Investment Companies Licensing Board annual report 1985-86. Limited copies of this report are available for perusal in the Senate Table Office. As soon as the bulk copies become available, they will be circulated to all honourable senators.

STANDING COMMITTEE ON INDUSTRY AND TRADE

Report: Government's Response

Senator BUTTON (Victoria—Minister for Industry, Technology and Commerce)—Mr President, I seek leave to make the Government's response to the report of the Senate Standing Committee on Industry and Trade on 'closer economic relations between Australia and New Zealand' and to incorporate the statement in *Haasard*.

Leave granted.

The statement read as follows—

SENATE STANDING COMMITTEE INQUIRY INTO THE DEVELOPMENT OF CLOSER ECONOMIC RELATIONS BETWEEN AUSTRALIA AND NEW ZEALAND

The Senate Standing Committee on Industry and Trade commenced its inquiry into Closer Economic Relations between Australia and New Zealand on 24 August 1984, and subsequently issued four reports: the final report was tabled on 20 August 1986.

Closer Economic Relations between Australia and New Zealand has bi-partisan support in this Parliament and in New Zealand. The Trade Agreement represents the most comprehensive bilateral trading arrangement entered into by either country. It was negotiated in the two years preceding the change of Government in 1983 and was signed into effect as from 1 January of that year by the Deputy Prime Minister and then Minister for Trade, Lionel Bowen on 28 March 1983.

The Trade Agreement provides the framework for the development of trans-Tasman trade under conditions of fair competition through the elimination of specific trade barriers in a gradual and progressive manner. It incorporates safeguard measures which are designed to deal with unfair competition and certain prejudicial situations.

The Government considers that the automatic provisions of the Trade Agreement have been implemented smoothly and that industry on both sides of the Tasman is taking advantage of the increased trading opportunities being opened up by this process.

Since the commencement of the Agreement Australia's export earnings to New Zealand increased by \$282 million to \$1,496 million in 1985. It is apparent that Australia's export performance has recently been influenced by reduced demand in certain sectors in New Zealand which possibly obscure the benefits associated with increased liberalisation for Australia's exports under the Agreement.

The Government has considered the recommendations of the Committee and finds many similarities with the broad objectives of Government policies. The Committee's concern that exporters are not taking full advantage of the increased opportunities provided under the trade liberalisation provisions of the Agreement parallels the Government's efforts as exemplified by the National Export Drive to encourage the business community to look at export markets.

The Government also has actively encouraged the Australia/New Zealand Business Councils to provide views on the longer term closer economic relationship.

The Government has also moved to improve the anti-dumping/countervailing procedures within the framework of international rules which apply to trans-Tasman imports under the Agreement. As regards those matters touched on by the Committee which are not presently covered under the Agreement, such as industry assistance measures, the Government will be looking to see if further understandings should be reached in the context of the 1988 review of CER. A joint working party of officials has been recently set up to examine the impact of bounties on trans-Tasman trade.

Overall the Government is encouraged by the Committee's support for the development of wider arrangements and co-operation under CER aimed at achieving more fully the objectives of free trans-Tasman trade by the elimination of remaining potential trade distorting factors.

In this regard the Committee's recommendations and findings represent a valuable contribution to the further consideration of ways to strengthen and develop the closer economic relationship and provide a useful element in the development of Australia's approach to the 1988 review.

In the main the Committee's recommendations and findings directed at the Government can be categorised under the following groups

- Public awareness/monitoring
- Industry policies and non-tariff barriers
- Effectiveness of safeguard measures
- Agricultural co-operation

This statement provides comments in each of these areas.

Public Awareness and Monitoring

The Government agrees with the importance attached by the Committee to CER publicity and that the business community's response to CER could be improved.

The Government has stressed the urgent need for the development of increased exports and that it looks to individual Australian firms to capitalise on opportunities. Campaigns have been mounted to publicise the opportunities for trade under CER and Monitoring Reports have been published regularly with the view to keeping interested bodies abreast of developments and progress under the Trade Agreement.

As part of the National Export Drive recently launched by the Minister for Trade further seminars were held in Brisbane, Sydney and Melbourne in October and a series of workshops are to be conducted by the Australian Trade Commission next year to encourage exporters and manufacturers to export to New Zealand.

Trade flows between the two countries have been monitored on an ongoing basis since the Agreement entered into force. There are however difficulties in taking up the Committee's recommendations on a more useful series of statistics because of the lack of reliable statistics in measuring the operation of the Agreement in areas other than direct trade, such as employment and industry performance information. Indeed given the wide variety of general economic and other factors which influence commercial judgments in both countries it is questionable whether the effects of the Agreement can be isolated in any meaningful form.

The Government supports the Committee's view on the need for continuing close consultation between government, industry and unions on the impact and development of the Agreement and for adequate preparation for the 1988 review and believes there is a need to encourage the widest possible community interest in the closer economic relationship. In this regard consultations are being held with the private sector to identify matters which might contribute to the further development of the relationship and submissions or comments have been invited from interested organisations and the public at large.

Industry Policies and Non-Tariff Barriers

A central objective of the Trade Agreement concerns the elimination of quantitative restrictions. The Government has acted on Australian exports concerns at the continuing restrictive effect of New Zealand's import licensing system which under the Agreement is to be removed by 1995 at the latest by seeking improvements to the licensing system. New Zealand recently announced that import licensing for goods not covered by its industry development plans will end on 1 July 1988 and as a result of a significant reduction from 1 July 1986 in the number of Australian goods requiring import licensing into New Zealand, some 70% of the available 1986/87 access has been issued compared with 54% for the same 150 categories in 1985/86.

Progress has been made in the consideration of liberalisation measures to apply to the few outstanding modified arrangements. Governments are to hold further talks on apparel and

steel products later this year and following further discussions between the tobacco industries will address possible arrangements in this area.

Progress has been made also towards harmonisation of standards and other regulations which can affect conditions of trade. In particular mechanisms have been established to achieve greater harmonisation of food standards and food labelling.

There have been developments relevant to the areas of government purchasing, standards, and transport costs, which the Committee highlights as acting in varying ways as non-tariff barriers to trade. As a consequence of the arrangements recently introduced by the Government in conjunction with the States on purchasing policies the New Zealand Government is considering the basis of New Zealand's possible involvement in the National Preference Agreement. In addition a joint study between the Governments has been initiated into trans-Tasman transport costs.

The Government is aware that trade problems may arise as a result of different approaches to industry policy in Australia and New Zealand.

However, while recognising the benefits available from CER, the Government is also concerned to ensure that industry policies in Australia are designed to improve the performance of our industries and exporters in terms of the wider international market.

Nonetheless, with both the Australian and New Zealand Governments committed to lowering protection levels and developing a more outward-looking and competitive industry environment, differences between the industry policies of the two countries are expected to reduce progressively. While in some areas change is likely to be slow the effect will be to reduce the magnitude of the problems cited by the Committee.

In pointing to a lack of a plan in CER for future development of industries and regions in both countries the Committee seems to be envisaging an Agreement which sets the pattern of industry development in Australia and New Zealand. This of course goes well beyond the stated objectives of the Agreement which was intended to set a stable and predictable free trade framework within which industry in both countries could plan its activity in respect of the trans-Tasman market.

The Government also recognises that with the removal of tariffs the scope for non-tariff barriers to influence the development of bilateral trade increases. These non-tariff barriers are

among the issues that will be addressed in the lead-up to and during the 1988 review. In this context consultations are currently being held with private sector organisations and interested groups, and individuals to identify by the end of 1986 ways in which trade is or is likely to be affected by differences in each Government's policies or any other matters which might contribute further to the development of the closer economic relationship.

Effectiveness of Safeguard Mechanisms

The Government notes that the safeguard provisions of the Trade Agreement were directed at providing the necessary framework to address particular problems while not frustrating the movement to free trade.

The procedures and methodology employed for anti-dumping and countervailing inquiries are set out in the GATT Codes and the Australian Customs Tariff (Anti-Dumping) Act and have broad applicability to all countries, not just New Zealand.

It is noted that the issue of application of GATT material injury provisions to agricultural industry and the related problems of access to the anti-dumping system for farmers, the capital goods industry, small businessmen and unions was commented on by Professor Gruen in his Report on the Review of the Customs Tariff (Anti-Dumping) Act. The calculation of normal values in anti-dumping cases was also raised in the Review. The Government recently completed its consideration of the Report of the Review of the Customs Tariff (Anti-Dumping) Act and on 30 October I announced decisions on the Report including the decision to establish an anti-dumping tribunal to make recommendations to the Minister on anti-dumping or countervailing action.

Agricultural Co-operation

Agriculture is an important export oriented sector in both countries. CER provides the opportunity for more extensive mutual links between industries aimed at co-operating in third country marketing. Sheepmeat and dairy products are prime examples where such co-operation already exists.

The Government notes that the concerns and sensitivities of Australian agricultural industries, particularly those of the horticultural industries were discussed at the August 1985 Ministerial meeting. In respect to horticultural products, which the Committee highlighted as a potential area for co-operation, industry representatives

met in Auckland in June 1986 to discuss issues of mutual interest, with emphasis on the potential to increase co-operation between the two countries. The industries plan to meet again in July 1987 in Adelaide. In the meantime, an informal secretariat for the group has been established to ensure an ongoing level of communication and regular exchange of information.

In conclusion, the Government is concerned to develop closer economic relations between Australia and New Zealand in a way which serves the interests of both countries. Both Governments are now beginning to address the question of possible additional arrangements in preparation for the comprehensive review of the Agreement in 1988. Wide ranging consultations with interested groups have already commenced and a meeting between Governments is expected to take place early next year to determine a plan for the review.

Senator BUTTON—I move:

That the Senate take note of the statement.

Debate (on motion by **Senator Durack**) adjourned.

STANDING COMMITTEE ON CONSTITUTIONAL AND LEGAL AFFAIRS

Report: Government's Response

Senator GARETH EVANS (Victoria—Minister for Resources and Energy)—On behalf of the Attorney-General (Mr Lionel Bowen), I seek leave to make the Government's response to the report of the Senate Standing Committee on Constitutional and Legal Affairs on 'national uniformity in laws relating to the status of children born through the use of in vitro fertilisation' and to incorporate the statement in *Hansard*.

Leave granted.

The statement read as follows—

Response to the report of the Senate Standing Committee on Constitutional and Legal Affairs on National Uniformity in Laws Relating to the Status of Children Born through the Use of In Vitro Fertilisation

1. On 15 May 1985, the Senate resolved to refer the following matter to the Standing Committee on Constitutional and Legal Affairs: "National uniformity in laws relating to in vitro fertilisation and the status of children deriving therefrom and the role of the Commonwealth in achieving such uniformity". The Standing Committee presented its Report to the Senate on 6 December 1985. The Committee obviously

worked hard to present its report in such a short time and I take this opportunity on behalf of the Government to congratulate Committee members on their work.

2. The scope of the Report of the Standing Committee is limited by its terms of reference to issues relating to the "status" or parentage of children born as a result of in vitro fertilization (IVF).

3. The question, who, in law, should be regarded as the parents of a child born as a result of artificial insemination by donor (AID) or IVF using donor gametes, is one of many significant questions raised by the use of reproductive technology in Australia today. It is a question which affects a growing number of children and the families in which they are being reared. Although there are no accurate figures as to the total number of children born as a result of AID, the general estimate is 1,000 births per year. Further, a total of 29 children were born by means of IVF using donor gametes (including 2 from donor ova) to September 1985. The legal parentage of these children is an issue with wide-ranging consequences—for the child's legitimacy, for inheritance, for the obligation to support the child and for custody and guardianship to name but a few. The Government considers that the present situation whereby variations exist in the law within Australia relating to the parentage of AID/IVF children is highly undesirable. It follows that we strongly support the Committee's view that legislative uniformity should be the goal in this area.

4. The Government considers that a uniform Australia-wide response to all the legal social and ethical issues raised by the advent of reproductive technology, is highly desirable. These wider issues have been the subject of a number of Reports, most recently that of the Family Law Council, *Creating Children: A uniform response to the law and practice of Reproductive Technology in Australia*, which the Attorney-General is presently considering and to which reference is made later.

5. The Standing Committee's Report makes 13 specific recommendations to which the Government's response is as follows.

Recommendations 1, 2, 7 and 8

6. Broadly, these recommendations express the Standing Committee's view that legislation relating to the status of children should be uniform throughout Australia. The Government supports this principle and agrees, in particular, with the desirability of formulating legislation dealing with

children born from donor gametes (or donor embryos) in general terms rather than tying it to a specific procedure such as IVF which may be overtaken by new developments.

Recommendation 3

7. This proposes that, so long as status law is not uniform throughout Australia, the Attorney-General should consider the possibility of enacting uniform choice of law rules under s.51 (xxv) of the Constitution. The Attorney-General has considered this possibility. In his view, the use of s.51 (xxv) would not provide an effective solution to the problem of lack of uniformity in this area. The better approach is to pursue uniformity through negotiation as discussed in paragraphs 11 and 16.

Recommendations 4, 6 and 9

8. These recommendations deal with the content of uniform status law. Recommendation 4 proposes a basic rule that "a consenting married couple entering an IVF program involving donor gametes should be the legal parents for all purposes of any child born as a result". Recommendation 6 proposes, in essence, that a de facto married couple should be treated as if they were married for the purpose of status legislation, and Recommendation 9 proposes that legislation should explicitly provide that "the woman who gives birth to a child is its legal mother."

9. The Government agrees with the substance of these 3 recommendations, subject to the following comments. First, in line with the Committee's own recommendations (Nos 7 and 8) the basic rule proposed by recommendation 4 should not be limited in its terms to IVF or any other specific procedure. At present, this rule, which was agreed to in the Standing Committee of Attorneys-General (SCAG) and has been adopted by most jurisdictions, extends specifically to AID and IVF.

10. Secondly, I wish to draw attention to the recommendations made by the Family Law Council Report concerning the drafting of provisions which, in effect, reassign the bundle of rights and responsibilities which attach to parenthood in our society from the genetic parent to the social parent. The Council takes the view that we should not create what it refers to as "legal fictions" whereby legislation provides an irrebuttable presumption that in a certain situation "X" (who has no genetic input) is the mother or father of a child, or caused the pregnancy (in the case of a man). The Council argues that this fictional approach distorts the reality of social and genetic relationships. It fa-

vours the approach taken by the United States Uniform Parentage Act which provides, in relation to AID, that "the husband is treated in law as if he were the natural father of the child thereby conceived" (s.5). This approach was also commended by the Chalmers Committee in Tasmania and has since been adopted in the November 1985 amendments to the Tasmanian Status of Children Act 1974. All other Australian jurisdictions (except Queensland which has yet to pass relevant legislation) follow the so-called legal fiction approach, which is also the one preferred by the Standing Committee (para 7.8).

11. The Attorney-General takes the view that the appropriateness of the 'legal fiction' approach should be considered in the context of a review of status legislation relating to children born of donor gametes with a view to achieving greater uniformity.

Recommendation 5

12. This recommendation proposes that consideration should be given to whether legal links with the genetic parents should be retained for the limited purposes of the criminal law on incest and the prohibition of marriage within a prohibited relationship. The rationale for maintaining the prohibition on incest between ascendants and descendants and brothers and sisters in Australian society today is based on both social and biological factors. Generally, a child born as a result of AID or IVF using donor gametes will have no social or parent/child relationship with the donor. It may be, therefore, that in a purely social sense, the important prohibition is on incest between the child and its social parents and their immediate family. However, from the point of view of genetics, it would not be desirable to exempt incest between a child and the gene donor or the child's ascendants and descendants from the general prohibition on incest. The risk of congenital abnormality as a result of such inbreeding is not an insignificant one. On the other hand, unless information about their genetic origins is freely available to children of a certain age they may unwittingly contravene the law with disastrous consequences. Given the prevalence of AID and the current absence of legal restrictions on the number of occasions a man can donate sperm, the possibility of accidental incest between half brothers and sisters is not a far fetched one.

13. The Attorney-General proposes to give further consideration to these difficult questions before making any recommendations as to

whether or not 'status' legislation should uniformly provide that legal links between genetic parents and AID/IVF children should be retained for these limited purposes, and before coming to a decision on amendment of the Marriage Act 1961 in this way.

Recommendation 10

14. This recommends that the Commonwealth should seek to obtain from the States the power to enact legislation to deal with all issues of the status of children in law.

15. As is well known, negotiations have been taking place between the Commonwealth and the States for many years over a reference to the Commonwealth of State powers in relation to a number of issues affecting children. The 1976 Constitutional Convention in Hobart recommended that the Commonwealth seek a reference from the States of power over "illegitimacy". Shortly afterwards, however, this was dropped from the reference agenda after discussion by SCAG. Other SCAG discussions over the past decade have culminated in South Australia and Victoria introducing legislation into their respective State Parliaments in September 1986 to refer powers relating to maintenance, custody and guardianship of, and access to, all children not presently within Commonwealth jurisdiction, i.e. children who are not "children of a marriage", but excluding children covered by their State Child Welfare legislation. New South Wales and Tasmania have Cabinet approval to a similar reference and intend to introduce the necessary legislation before their current sittings end. The history of obtaining the present references of power relating to children demonstrates that a reference on status of children would be exceedingly difficult to negotiate.

Recommendations 11 and 12

16. These recommendations put forward what the Committee sees as interim solutions to the problem of lack of legislative uniformity. Recommendation 11 proposes in part that, as a matter of priority, SCAG should be used to achieve a greater degree of uniformity in status law. The Government supports the call for greater uniformity and the Attorney-General proposes to recommend to his State colleagues that status legislation relating to children born of donor gametes be reviewed with a view to achieving this goal. It seems obvious that this is a matter of the highest significance as the number of children affected is ever increasing.

17. Recommendation 11 also proposes that SCAG should monitor the impact of scientific

developments on status law. In the Attorney's view this is not an appropriate function for SCAG. It is the type of function which could be carried out by a national advisory body of the sort recommended by the Family Law Council, to which I refer below.

18. Recommendation 12 puts forward 3 other proposals. First, that the Commonwealth should enact legislation for the External Territories to deal with status issues arising from artificial reproduction. The Government does not consider this to be a high priority. However, we will enact such legislation if a need is perceived.

19. Recommendation 12 (b) proposes that the Family Law Act 1975 s. 5A and the Australian Citizenship Act 1948 s. 5 (6)-(8) be amended so as to deal with maternity issues where donor female genetic material is used. At present, these provisions do not adequately cover the situation where donor ova are used. An amendment to the appropriate provisions of the Family Law Act will be introduced at the first suitable opportunity to ensure that a woman who gives birth to a child as a result of the use of donor ova or a donor embryo will be treated in law as if she is the mother of the child. This accords with the thrust of Recommendation 9 above. A similar amendment to s. 5 of the Australian Citizenship Act will be introduced.

20. Recommendation 12 (c) proposes that the above provisions also be amended, "so that the consent of a husband to his wife's participation in an artificial reproduction program is rebuttably presumed to have been given, in the same way as is done in all State and Territory IVF status legislation". In the interest of uniformity, the Attorney-General proposes to implement this recommendation also, as does the Minister for Immigration and Ethnic Affairs.

Recommendation 13

21. This recommendation proposes that, pending the possible establishment of a national advisory body on reproductive technology (as recommended by the Family Law Council), the issue of record-keeping and access to information about donors should be considered by SCAG, and that further, the operation of any scheme adopted should be monitored by SCAG.

22. The Attorney-General is presently considering the Family Law Council's recommendation that an independent multi-disciplinary national council be established to advise Federal, State and Territory Governments, through their relevant ministers, on matters relating to reproductive technology with a view to establishing a

uniform national approach to such matters. He does not consider it appropriate to raise the issue of record keeping and access to information for consideration by SCAG before a decision has been made on whether to establish a national body to advise on such issues.

Senator GARETH EVANS—I move:

That the Senate take note of the statement.

Senator DURACK (Western Australia) (3.08)—This is an important statement that has been made by the Government in response to the report of the Senate Standing Committee on Constitutional and Legal Affairs on the status of children born either as a result of the techniques of artificial insemination or in vitro fertilisation. The statement addresses the matter from a more narrow base than that of the Human Embryo Experimentation Bill that was introduced by Senator Harradine and which has been the subject of reports by a Senate select committee and also by the Family Law Council. I think that these reports should be dealt with together because between them they address the whole area of this problem. I do not think that this is a suitable stage to say anything further in relation to that matter. I have already spoken in response to the report of the Select Committee on the Human Embryo Experimentation Bill 1985. At that time I said that this was a matter to which the Government should give urgent attention. I hope that the Government is doing so.

The response of the Government now before us says that the Government is also giving attention to the report of the Family Law Council which is concerned with the wider aspects of reproductive technology in Australia. I do no more than repeat the importance of adopting a uniform approach to these matters. I also emphasise the fact that a uniform approach is much more likely to be successful in this country if it is done in a co-operative way with the States. I am pleased to see that the Government in this response prefers this approach to that recommended in this report of the Senate Committee. The Committee seemed to have a greater belief than I have in the ability of the Commonwealth to act unilaterally in this matter. I think that is not likely to be the most successful way of approaching this. As I said, the matter is most important. For many people it is of growing importance. It is a very sensitive issue both from a moral and a social point of view. From the legal point of view the problem is greatly complicated by our federal system and the difficulty of the Commonwealth acting unilaterally and, of

course, the traditional fact of the States having legislated in respect of the status of children and of controlling medical procedures and medical ethics. So it is a very complicated matter from many points of view.

I believe that the reports that have been made, such as the report of the Senate Select Committee on Senator Harradine's Bill and the report of the Standing Committee on this question, which is the subject of this report, together with the report of the Family Law Council, all go a very long way towards solving these problems, or at least to pointing the way in which they may be solved. I repeat my concern, which is that the Government should now be moving quickly in giving effect to what I think is a rather surprisingly wide degree of agreement about the way in which these matters should be approached and can be solved. I seek leave to continue my remarks later.

Leave granted.

Senator HARRADINE (Tasmania)—by leave—The Government response to the report of the Senate Standing Committee on Constitutional and Legal Affairs is an important document, and although I wish to refer to many matters I shall very quickly refer to only two. Paragraph 12 indicates the quite deep concern that is felt about the prevalence of artificial insemination by donor, and states:

... the prevalence of AID and the current absence of legal restrictions on the number of occasions a man can donate sperm, the possibility of accidental incest between half brothers and sisters is not a far fetched one.

I have quoted from this document but I am not so sure of the adequacy of those terms. It is clear that this whole question of AID has not been the subject of debate by elected representatives, as it should have been. It has really been in the domain of the medical profession. Under those circumstances it appears that what has been done in animal husbandry has just been transferred to humans. Fears are expressed here and other fears have been expressed elsewhere.

The other point I want to refer to is mentioned in paragraph 4, which states:

The Government considers that a uniform Australia-wide response to all the legal social and ethical issues raised by the advent of reproductive technology, is highly desirable. These wider issues have been the subject of a number of Reports, most recently that of the Family Law Council, *Creating Children* . . . which the Attorney-General is presently considering and to which reference is made later.

Presumably this response was prepared prior to the Senate Select Committee report on the

Human Embryo Experimentation Bill. I can only concur with what Senator Durack said, that it is absolutely vital that a ready, informed and favourable response is received early by the Government in regard to those reports.

STANDING COMMITTEE ON CONSTITUTIONAL AND LEGAL AFFAIRS

Report: Government's Response

Senator GARETH EVANS (Victoria—Minister for Resources and Energy)—On behalf of the Attorney-General (Mr Lionel Bowen) I present the Government's response to the report of the Senate Standing Committee on Constitutional and Legal Affairs on conscientious objection to conscripted military service, and I seek leave to have the statement incorporated in *Hansard*.

Leave granted.

The statement read as follows—

I present the response of the Government to the report of the Senate Standing Committee on Constitutional and Legal Affairs on conscientious objection to conscripted military service.

The report had its origins in Senator Tate's private member's Bill to amend the National Service Act 1951 in respect of persons whose conscientious beliefs do not allow them to engage in military duties. On 31 May 1983, the Senate referred that Bill to the Senate Standing Committee on Constitutional and Legal Affairs for inquiry and report.

The Committee's report was presented to the Senate on 28 May 1985. The major recommendations of the report were that the present legislative recognition of conscientious objection to conscripted military service be widened to include conscientious objection to particular armed conflicts; that claims to exemption from military service on the ground of conscientious objection should be determined in informal and non-adversarial proceedings before a tribunal chaired by a judge or retired judge; decisions of such tribunals be reviewable by the Administrative Appeals Tribunal; and that the individual claiming to hold a relevant conscientious belief should bear the onus of demonstrating its existence on the balance of probabilities.

The Government accepts the key recommendations of the report that there should be recognition of the right of conscientious objection to particular armed conflicts and that claims to conscientious objection should be determined by tribunals created for the purpose. Previously such

claims have been determined in formal proceedings before magistrates.

The Government will be addressing the matters of detail concerning the Constitution and procedures of the new tribunals and the proper form of review with a view to bringing forward legislation on this matter as soon as possible. In the course of that consideration the Government will take account of a number of concerns raised by the Administrative Review Council regarding aspects of the Senate Committee's proposals. Those concerns are set out in the Council's response dated 12 September 1986 to a request by the Government for its views on the review proposals contained in the Senate Committee report.

In Annex 1 to its report the Senate Committee offered comments on a number of issues outside its terms of reference, including the role Parliament ought to play in the conscription process. In relation to the role that Parliament should play the Government has decided that legislation to be brought forward should include a requirement for parliamentary consideration of any specific proposal for conscription for military service.

On behalf of the Government I thank the Committee for the thoughtful and constructive contribution that its report had made on a matter of great sensitivity and importance to all Australians.

Senator GARETH EVANS—I also table the response to the report from the Administrative Review Council and I move:

That the Senate take note of the paper.

Senator HARRADINE (Tasmania) (3.15)—Is that on the long finger or does it mean that we will have an opportunity early in the new session to debate this?

Senator GARETH EVANS (Victoria—Minister for Resources and Energy)—by leave—I hope not only that there will be an opportunity to debate the actual response to the Senate Committee report but also that the legislation which the Government will now work on preparing to introduce on this subject will be ready. One way or the other there can reasonably be expected to be a debate.

Senator Harradine—I will send you a copy of my speech.

Senator GARETH EVANS—We do not want to have last night's speech yet again, today.

Debate (on motion by **Senator Durack**) adjourned.

SELECT COMMITTEE ON VOLATILE SUBSTANCE FUMES

Report: Government's Response

Senator GARETH EVANS (Victoria—Minister for Resources and Energy)—On behalf of the Minister for Health (Dr Blewett) I present the Government's response to the report of the Senate Select Committee on Volatile Substance Fumes and seek leave to have the statement incorporated in *Hansard*.

Leave granted.

The statement read as follows—

Honourable senators will recall that at the conclusion of the autumn sittings I tabled an interim statement on this report, referring to the need for extensive consultations with State and Territory governments through the Ministerial Council on Drug Strategy.

I am pleased to be able to advise that the Ministerial Council on Drug Strategy considered the Select Committee report at its meeting on 7 November 1986 and agreed that the implementation of the recommendations is to be taken up by each jurisdiction. In addition each State and Territory jurisdiction has agreed to provide statements to the Ministerial Council on its programs and proposals to overcome volatile substance abuse.

I remind honourable senators that the Ministerial Council on Drug Strategy comprises two Ministers from each jurisdiction, generally covering health and law enforcement responsibilities, and reports directly to the Premiers Conference. The Council therefore provides one mechanism to monitor activities within jurisdictions to ensure that, as far as possible, a co-ordinated approach to volatile substance misuse is taken within the strategy of the national campaign against drug abuse.

In relation to the scourge of petrol sniffing in Aboriginal communities all senators would be well aware of the recent tragic events in Central Australia which took the life of one youth and hospitalised 21 others.

All governments, of course, have been undertaking significant action to combat this problem over a good many years. Jurisdictions have also been co-operating to facilitate the movement across State and Territory borders of service providers and petrol affected persons where this has been necessary to assist the communities or individuals. However, the extended lines of communication between isolated communities and the multiplicity of organisations involved in com-

bating the problem require that there be a rationalisation of administration so as to ensure more efficient and effective delivery of services and programs to the communities. To achieve this a special task force on petrol sniffing representing the Commonwealth, Western Australia, South Australia and the Northern Territory has been created to urgently prepare an action plan:

To improve the delivery of prevention and treatment services for Aboriginal communities with petrol sniffing problems by improving co-ordination between agencies and authorities and involving communities and parents at all stages of planning and implementation; and

To quickly improve the knowledge base of the practice of petrol sniffing and its consequences to assist in the planning of prevention and treatment programs. This knowledge base will draw especially on the experience of aboriginal communities that have been able to avoid serious petrol sniffing problems among their youth.

I would now like to deal with the specific recommendations of the report covering the general recommendations dealing with volatile substance abuse by urban youth and then with the special recommendations concerning petrol sniffing among youth of Aboriginal communities.

By way of background to the problem among urban youth honourable senators would be interested in a survey of social attitudes to drugs conducted late last year under the drug offensive which showed that about 1 in 5 of the 14- to 19-year-old youths surveyed stated that they knew someone who was currently sniffing glue, petrol, solvents or nitrates. These results seem to correlate closely with the results of a 1984 survey of post-primary students in Victoria which, among other things, showed that in year 7 just over one-quarter of the students reported having used inhalants at least once. Furthermore the attitudes of students to sniffing are cause for concern—25 per cent of year 7 students surveyed in the Victorian study, 23 per cent of year 9 students and 14 per cent of year 11 students regarded the sniffing of inhalants as not 'very dangerous'. Furthermore, there are many abuseable products available in hardware stores, supermarkets and from stationery suppliers. The Federal Department of Health submission to the Senate Select Committee in September 1984 reported that at that time a suburban hardware store could hold for sale over 150 products apparently containing chemicals that were potentially abuseable, a supermarket could hold 90

such products and stationers, 27. The same situation would probably apply today.

This availability of potentially dangerous substances coupled with the high exposure of youth to the idea of volatile substance inhalation, as demonstrated by the surveys, underlines the seriousness of the problem and of the need for effective government action.

The cornerstone of the Senate Select Committee's recommendation in this general part of the report is that substance abuse is a social problem and not a product problem. The Committee therefore recommends that responses should be aimed at preventing abuse through broadly-based education programs. The Government fully supports the Committee in this basic philosophy however, this Government believes that reliance should not be based on education programs alone. A range of prevention initiatives is required, including information, education, the provision of alternatives and early interventions. The improvement of the social environment for youth is also relevant.

The answers definitely lie in broadly-based social programs and in programs tailored to meet the needs of special at-risk groups, not in punitive measures against those misusing the volatile substances nor in restrictions on availability of useful household and industrial products that could be misused.

The main impact of the Committee's general recommendation on solvent abuse occurs at the State and Territory level, and, through the ministerial Council on Drug Strategy mechanism, the Government has arranged for jurisdictions to consider the implementation of 13 measures which cover such issues as:

the role of the media in providing factual and non-sensational information to the public;

industry and retailer awareness of the role that each can play in minimising the problem;

the scheduling of certain substances in accordance with National Health and Medical Research Council recommendations and labelling requirements;

the need for appropriate treatment and rehabilitation services; and

monitoring and research.

There are four recommendations relating to volatile substance abuse by urban youth to which the Federal Government can make a direct contribution.

First, the Committee reported that it was hampered in its inquiry by a lack of data or

comprehensive information about solvent abuse and recommended that a range of national data collection activities be undertaken. All governments accept fully this recommendation and have agreed to include data on volatile substance abuse within the national drug related data collection system which is being developed as part of the national campaign against drug abuse. In addition to morbidity and drug abuse trend data which will be provided by States and Territories a range of special data collection activities relevant to solvent abuse will be progressively undertaken, projects being considered at present include:

A national secondary school drug usage survey for 1988 that will include questions on solvent use;

a program of surveys on Aboriginal drug use and drug problems;

a national forensic case reporting system;

a review of the national poison cases reporting system; and

an approach to coroners to obtain detailed data on all cases of death due to volatile substance abuse.

Secondly, the Government concurs with the Select Committee's recommendation that governments adopt a preventative education strategy based on healthy lifestyles and personal development for adolescents. Indeed the Federal Government's overall health development planning incorporates this approach—

Within the broad range of drug abuse prevention programs being undertaken as part of the national campaign against drug abuse, emphasis is placed on promoting healthy lifestyles through lifestyle education programs for children and adolescents and programs to build self esteem and resourcefulness. In addition an important focus of the national drug offensive media and information activities stress health and active living as an ideal.

The recent report of the better health commission will further assist the government in directing health promotion activities—away from short term curative based health programs towards long-term activities aimed at promoting general well-being and the prevention of ill health.

The third recommendation on which the Federal Government can, and has made a direct contribution relates to the community approach to drug abuse prevention (CADAP) project. Honourable senators would be aware that this is

an approach to drug misuse prevention which is based on community development principles. As the Select Committee pointed out, the Federal Government provided seeding funds for the CADAP project covering an initial period of about 3 years. The Government has agreed to extend this funding to cover a further period. The period expires in mid-1987 by which time the Commonwealth will have provided over \$850,000 for the project. Any contribution beyond that time will depend upon the results of a Commonwealth funded evaluation of the project's achievements which the CADAP management committee is now conducting.

Finally the Commonwealth has acted on the recommendation on the concept of a National Institute for Drug and Alcohol Studies that the Select Committee recommended as a priority need. I am pleased to be able to report that the Government has established two centres of excellence in drug and alcohol studies. One centre has been established at the University of New South Wales and the other at the Western Australian Institute of Technology. The New South Wales centre is to concentrate on treatment and rehabilitation studies and the Western Australian centre is to concentrate on research focusing on drug abuse prevention. Both centres have the potential to undertake major research work in the areas of volatile substance abuse.

The Select Committee also raised the concept of a national poisons information centre. The concept of poisons centres are much broader than volatile substance abuse and a national centre could not replace the localised State and Territory poison information centres. These not only provide advice to the public on poisonings but act as reference centres for local medical staff treating poison cases and are a repository for information on local conditions. Because of this need for the centres to provide expert advice on the range of bites, stings and plant poisoning which vary considerably from region to region, the concept of a national poisons information centre is not being taken up by the Government. The alternative proposal suggested by the Select Committee, that is, that State-based poison information centres, expanded to provide a 24-hour service, with a toll free number where this does not exist and, with training in handling volatile substance abuse problems, is now being considered by State and Territory Governments.

I would now like to turn to the recommendations in Part II of the report that relate specifically to petrol sniffing among the youth of Aboriginal communities.

The Government agrees with the thrust of the Select Committee's strategies and recommendations. Petrol sniffing is a very real problem with major health and social implications for many Aboriginal communities and is seen mainly in the Northern Territory and adjacent areas of Western Australia and South Australia. A con-joint approach within those jurisdictions and between those jurisdictions and relevant Commonwealth and Territory authorities is essential. To achieve this the special task force is to report urgently on a means to improve the delivery of services to communities. The report is to concentrate on the following issues:

Strategies for more effective co-ordination and improved co-operation between the two ministerial councils involved (Ministerial Council on Drug Strategy and Australian Aboriginal Affairs Council); between relevant State, Territory and Commonwealth Governments and authorities; and between government authorities and Aboriginal communities; and the development of an improved knowledge base, on the practice, consequences and treatment of petrol sniffing.

The creation of the task force, which will build on the recommendations of the Senate Select Committee report, reflects the determination of the four governments to simplify administration, concentrate resources in areas of greatest need and make an immediate and major impact on any administrative factors that may be hindering the funding and implementation of programs to rural communities.

The Committee's report draws attention to the need for action in response to petrol sniffing to originate from and be controlled by the Aboriginal people in affected communities. The Government recognises the essential role the community must play in dealing with this problem and has demonstrated this through its support for community based programs in Western Australia, South Australia and the Northern Territory.

In Central Australia, for example, the Commonwealth and Northern Territory governments are providing joint funding for an innovative, task force approach which has now been operating effectively for more than 12 months. The Commonwealth has also funded community-based projects at Indulkana, Amata and Yalata-Maralinga in South Australia, Kununurra in Western Australia and among several Aboriginal communities across the top end of the Northern Territory. In Western Australia funds have also been provided for research into various interven-

tion strategies relating to the prevention of petrol sniffing.

The Commonwealth has approved in principle a media program to alert Aborigines to the dangers of substance abuse, especially petrol sniffing. The project will be based on the format used in the recent 'beat the grog' campaign which proved so successful.

New initiatives at the community level are also due to commence in a number of other communities in the north-western area of South Australia in the near future.

The Government fully supports the Select Committee's call for the development of the homelands movement and outstations where there is clear request for them from individual communities. However it must be recognised that these movements should not be seen solely as an answer to petrol sniffing problems. More importantly, the movements are a positive response to regaining culture and lifestyles which should, in turn, bring about a reduction in petrol sniffing. It should be recognised, however, that only a small number of at risk Aboriginal youth actually live in the homelands.

In response to the Select Committee's recommendation that State governments should consider implementing the CADAP program in Aboriginal communities, should it prove to be effective, I have already indicated that the Government is providing seeding funds to the Alcohol and Drug Foundation, Australia for the CADAP project. Part of these funds are for the Aboriginal program referred to by the Select Committee. Since funds can be provided only to activities which, given a reasonable trial and resources for evaluation, prove to be effective, the Government will be deciding on future funding for CADAP after the receipt of the evaluation study early in 1987. The Government's decision on this matter will be based, in part, on the responses of State and Territory governments, including their financial involvement in implementing such community based interventions.

The thrust of much of the Select Committee's argument, and a number of its recommendations, relate to the need for effective liaison with, and involvement of, the Aboriginal community and information exchange and co-ordination between government groups. Once again the role of the special task force is to identify a means to simplify and rationalise the activities of these groups and improve their effectiveness in program delivery.

The last of the Select Committee's recommendations that I would like to raise in this response are those that relate to the strong need for the collection of epidemiological data on petrol sniffing and for research on the sociological aspects of petrol sniffing. We have moved in a number of areas to fill the gap identified by the Select Committee. In relation to the need for epidemiological data I would like to inform the Senate that the Australian Institute of Health is developing, in co-operation with the States and Territories, a national centre for health statistics which will give high priority to Aboriginal data collections particularly to collections relating to deaths and hospitalisations. However these will take time to develop and, in the shorter term, the national drug related data collection system established under the national campaign against drug abuse will include a range of special data sets on petrol sniffing and related problems.

In addition the Northern Territory Government is undertaking a survey of drug use patterns in Aboriginal communities under the national campaign against drug abuse cost-shared funding arrangements. A final report of this survey will be produced shortly. It will provide valuable information for the Aboriginal communities and for policy development particularly in identifying target groups for prevention and intervention programs. The Government will be examining the survey methodology and results as a model for the planned broader survey on Aboriginal drug use that I mentioned previously.

In relation to research, in addition to the establishment of the centres of excellence in drug and alcohol studies, the Commonwealth is providing \$1m per year for the specific support of research in the drug abuse field. A grant of about \$49,000 has recently been approved as year 1 funding of a 2-year study of the inter-community transference and distribution of petrol sniffing among Aborigines. The total funding for the project over two years is expected to be in excess of \$100,000. This is a major project which will provide a much needed overview of the distribution and incidence of petrol sniffing and identify the means whereby it is transmitted between communities and will attempt to identify and examine the variables which influence the practice to become established in some localities and not in others. The findings will enable future intervention policies and strategies to be based on a better understanding than we presently have of the social dynamics of the problem.

I think honourable senators will agree that government activity in relation to volatile substance abuse and in particular petrol sniffing by rural Aborigines, demonstrates the concern that all governments have for the problem and the importance with which the report of the Select Committee is regarded. I would like to congratulate the members of the Committee both collectively and individually for this report.

Much of the immediate action proposed by the committee falls within the bailiwick of the State and Territory governments and as a Federal Government we have commended the report to them and urged the adoption of the relevant recommendations. The strong support of the Ministerial Council on Drug Strategy for the special task force on petrol sniffing and the recognition by this Council of the major health and social problems posed by petrol sniffing to Aboriginal communities give considerable support to the report becoming the catalyst for action that will deepen our understanding of the problem and the development of appropriate prevention and intervention strategies.

Senator GARETH EVANS—I move:

That the Senate take note of the statement.

Debate (on motion by **Senator Peter Baume**) adjourned.

SUSPECTED WAR CRIMINALS IN AUSTRALIA

Report and Ministerial Statement

Senator GARETH EVANS (Victoria—Minister for Resources and Energy)—On behalf of the Special Minister of State (Mr Young) I table the report of the review of material relating to the entry of suspected war criminals into Australia, and I seek leave to make a statement relating thereto.

Leave granted.

Senator GARETH EVANS—I move:

That the Senate take note of the statement.

The report of the review of material relating to the entry of suspected war criminals into Australia was presented to the Special Minister of State on 28 November 1986 by the person conducting the review, Mr A. C. Menzies. The review has concluded that it is more likely than not that persons who committed serious war crimes in World War II have entered Australia. With his report, Mr Menzies has provided a list of the more significant instances of allegations that particular persons now in Australia have committed serious war crimes. Some 70 people have been identified as warranting further in-

quiry. They originate in a number of countries and the review has stressed that they are only a minute proportion of the enormous numbers of persons who came to Australia from those areas and who have made such a significant contribution to Australia's development. Mr Menzies has recommended that the list should not be divulged, except to whatever body is charged with taking further action on the report.

As to how these persons entered Australia, Mr Menzies considers that the serious limitations, particularly in the early years, in numbers and geographical spread of staff available to do the necessary checking and the equally serious gaps in the data against which Australian security officers would have made their checks provide the probable explanation for how the overwhelming majority of these persons were able to pass through the security control net and enter Australia. The facts as ascertained by the review did not establish any policy by any Australian government to allow or assist the entry of known or suspected war criminals into Australia; and the review found no evidence whatsoever that any Australian officer had knowingly allowed a war criminal to migrate to Australia.

In summary, the review has recommended that the Government should take appropriate action under the law to bring to justice persons found in Australia who have committed serious war crimes; and that a special unit should be established to deal with requests for extradition of alleged war criminals and to make preliminary investigations of cases recorded by the review as appropriate for investigation. Other recommendations concern entry, deportation and extradition arrangements and the possible need to amend the War Crimes Act 1945 so as to permit the ordinary criminal courts to deal with a war crime. The review notes that the question of entering into special new extradition arrangements, especially with countries with judicial systems markedly different to our own, is particularly sensitive and very much one for policy judgment by the Government.

The Government has arranged for urgent study of the findings and recommendations of the review and the Attorney-General will be putting a report to Cabinet as early as possible in 1987. While the Government has not yet had the opportunity to give detailed consideration to any of the review's recommendations, our present inclination is not to pursue the option of specially negotiated new extradition arrangements in the case of countries with markedly different judicial systems.

At paragraphs 3.42, 6.8 and 6.29 of the report, Mr Menzies mentions that, apart from one matter, a substantive reply had not been received from United States officials to requests for information as to certain individuals of interest to the review. It should now be noted that on 3 December 1986 in Washington, United States officials supplied to Australian officers certain limited information as to these individuals. Mr Menzies has advised the Government that this information is in no way inconsistent with any conclusion or observation in the report. With the exception of the short part of the report described as confidential by Mr Menzies at paragraph 7.1, the review is tabled as presented. A copy of the confidential part has been given to the Leader of the Opposition.

Senator DURACK (Western Australia) (3.21)—This report follows a number of allegations and contentions which were made earlier this year, principally by the Australian Broadcasting Corporation on a radio program on 13 April called *Nazis in Australia* and on a television program on 22 April called *Don't Mention the War*. The contentions in these programs were that substantial numbers of nazi war criminals were allowed to enter Australia and that this in part came about by American and United Kingdom intelligence agencies withholding information from Australia. There were even allegations of involvement by Australian authorities and officers in this matter. It reached an extraordinary point when it was alleged in a resolution in the New South Wales Parliament, prompted by the then Minister for Youth and Community Services in the New South Wales Government, Mr Walker, that a large number of nazi war criminals had been knowingly admitted to Australia by the Menzies Liberal Government in the 1950s. Very widespread concern was whipped up at that time as a result of these wild allegations.

It was in that context that this report was commissioned, but it was not commissioned, I might say, until some demands had been made that these matters required investigation. In particular, I refer to speeches in this Senate on 29 May 1986 by my colleagues Senator Sir John Carrick and Senator Peter Baume. In that debate on 29 May 1986 Senator Sir John Carrick said:

It is the duty of this Government either to hold an independent inquiry to the last degree and put these people out of their misery, or get up and say to governments and to broadcasting corporations: 'You are committing a terrible crime if you continue to make these accusations against people and races when you have no

proof'. I invite the Government, with all the force I can command, to hold an independent inquiry, completely non-partisan, completely free of tit-for-tat.

He pointed out, I think very pertinently, that every political party will have within it remnants of displaced peoples. It was due to the demands for an inquiry in the light of these allegations that I have mentioned, made on ABC programs, made under cover of privilege by Mr Walker, the then Minister for Youth and Community Services in the New South Wales Parliament, and even, as I said, expressed in a resolution of that Parliament, that the Government on 25 June this year invited Mr Andrew Menzies, a former distinguished officer of the Attorney-General's Department, to provide a report. That is what we have before us today, a summary of which has been very fairly made by the Minister for Resources and Energy (Senator Gareth Evans) in the tabling statement which he has just read.

This report is, I believe, an impressive one. It is certainly a remarkable contrast, with its reasoned and sober judgments and its ascertainment of facts, to these wild allegations and innuendoes that were being promoted earlier this year on ABC programs and by Mr Walker and others. It is really a remarkable achievement that so much material, documentary material in particular, has been persued by Mr Menzies for the purpose of this report. It was not part of his brief to make any specific judgments on allegations about any individuals. In fact, he received allegations concerning, he said, about 200 individuals and he has concluded that, of those, there are 70 cases which should be properly investigated. As I said, he did not make, nor did the terms of reference require him to make, the sort of investigation which would lead to any further proceedings against these people. Of course, had that been the case, this report would have taken not months but perhaps years.

The purpose and value of this report is the assessment that is made of the background in which displaced persons came to Australia, the difficulties of having proper security screening of them in the immediate post-war years and the general development of these programs and of the method of security checking. What I believe is fundamental in this whole debate—certainly Mr Menzies makes the point clearly himself—is that there is a great distinction, particularly now in 1986 as against, say, 1946, between an allegation that a person is a war criminal and an allegation that a person may have been a member of the Nazi Party or have been serving in enemy forces, particularly the German forces or

those of any of the German satellites. Even in the fairly early stages that sort of distinction was made and Mr Menzies certainly said that at this time we should be simply concentrating on allegations of what amounts to war criminality. There are ample definitions of what that amounts to and I do not need to go through them, but clearly there is a fundamental distinction between allegations of that kind and the sorts of allegations that are freely made confusing that notion with, as I have said, the holding of political views which may be well and truly abhorrent to all of us but which do not involve war crime and which may involve people who had membership of a Nazi party in the past or may have served in the German forces. That distinction, as I have said, is at the very fundamental of this inquiry and of the recommendations that Mr Menzies has made.

His first finding, which Senator Evans has read, is that it is more likely than not that a significant number of persons who committed serious war crimes in World War II have entered Australia, that they are now resident in Australia and that there should be action in respect of the allegations. As I said, he selected 70 names against which allegations of this sort are made—not allegations of holding extreme views or membership of the Nazi Party or so on, but coming within a category which he says should be investigated. He has identified these 70 names. I believe it is absolutely proper that those names should not have been disclosed by Mr Menzies. They have been given to the Attorney-General (Mr Lionel Bowen) and Mr Menzies has recommended what the Minister should do to investigate them fully.

There are some exceptions. A few names have been mentioned by Mr Menzies and put on the public record and I think Mr Menzies has performed a valuable service in dealing with those people. However, no doubt there are others who should also be dealt with early in the piece by further investigations because other names have been mentioned in other contexts, notably by Mr Walker in his totally improper statements and allegations he bandied about for political reasons in the New South Wales Parliament in the debate to which I have already referred. It is important that we note the context of this finding because the report is a very interesting discussion about the way in which the post-war migration program to Australia was put in place and developed in those early years, both during the period of the Chifley Government and subsequently during the early days of the Menzies Government, is a great reminder of those times

and of the grave problems that literally millions of people were then suffering in Europe. The account of the displaced persons scheme and how it worked is very interesting. One of the interesting facts that emerge is Australia's great contribution, made on humanitarian grounds, to the relief of this European tragedy which affected so many people.

I think we should be very proud of the fact that the report shows that Australia accepted over 170,000 people under the displaced persons program. That total was second only to the United States of America, with its far greater resources, of people received under that program. I think the Canadians were about the third highest contributors to the alleviation of the suffering of so many hundreds of thousands of people. Of that 170,000 people who came to Australia, Mr Menzies has identified about 70 who are still living in Australia and against whom allegations should be considered. He did not find that these people are guilty of any war crimes, but he has looked at the material and decided that they should be investigated.

When one considers all the allegations that have been made against worthy Australian officers, departmental officers who were sent to Europe after the war and who had to battle with the sort of conditions prevailing there at the time and described in this report, I believe that that is a very considerable testimony to the dedication of Australian officials who worked in Europe at this time. There have also been these allegations—certainly this was part of the reason for the report—that United States and British intelligence services improperly, and I suppose for their own ends, unloaded on to Australia a number of war criminals, even, it is even said, with the connivance of Australian authorities and particularly the Australian Security Intelligence Organisation. Mr Menzies has found that there is no substance in those allegations. He found:

. . . no person admitted into Australia under arrangements with the United Kingdom or United States intelligence agencies, to the knowledge of Australian authorities, appears to have been the object of charges or allegations as to commission of war crimes, although there is a possibility that . . . former employees of such agencies may have entered Australia without the knowledge of Australian authorities.

He said that there is no evidence—this is very important in view of the allegations—that ASIO was involved in the entry of any of these persons into Australia. He found that ASIO officers did have a contact with a number of persons after they had come into Australia but he found that

ASIO was not involved with the entry of those persons. These allegations that were wildly and recklessly made earlier this year, and no doubt on other occasions, that Australia had acted in some form of complicity with overseas intelligence agencies to smuggle war criminals into Australia are without foundation. He found no evidence whatsoever that an Australian officer had knowingly allowed any war criminals to migrate to Australia. He also found that the review did not establish any policy of any Australian government to allow or assist the entry of known or suspected war criminals into Australia and that there was no evidence that any Australian official was involved in any proposal to resettle the notorious and infamous Klaus Barbie in Australia, which was another allegation made recently.

I think I have said enough to indicate the value and the importance of this report. As to the recommendations of the report, Mr Menzies has suggested that there ought to be a special unit established in the Office of the Director of Public Prosecutions to undertake the investigations of these allegations against the 70 people named. He believes that those people should be given the full rights of any Australian citizen under our legal system and not be charged unless there is adequate evidence to establish a *prima facie* case. He said that they should be charged in a civil court and not a military court under the War Crimes Act, which should be amended to enable that to be done. That also seems to be a very proper recommendation to be made. There may be some case for the appointment of a special prosecutor in these cases. I would think this would be a very significant additional burden on the Director of Public Prosecutions, with all his other tasks. However, that is something we will have to consider and no doubt the Government will also consider.

As to the very sensitive area of extradition, I am pleased to note that the Minister has made reference to this question in his statement and noted that the review indicated that the question of entering into special new extradition arrangements with countries with judicial systems different from our own is particularly sensitive and one for the judgment of government. I am pleased to note that the Government's own disposition would not be to enter into a specially negotiated new extradition arrangement in the case of a country with a markedly different judicial system. It should also be noted that under our existing extradition Acts questions of whether the person can have a fair trial or would be detained or restricted in his personal liberty by

reason of his race, religion, nationality or political opinions are matters which have to be given consideration by the Attorney-General before extradition takes place, even in a case where there is an extradition agreement in place.

Many of these displaced persons came from countries which are now under communist dictatorships of one sort or another in Eastern Europe. The vast majority of them have made a marked contribution to Australia over the last 30 to 40 years they have been here and they have become most worthy and honourable citizens of this country. It would be of great concern to those people in Australia if they felt that there was a possibility that Australia might send them back to be dealt with—I hesitate to say properly tried—by a communist dictatorship. This would apply even if there were a *prima facie* case against such a person. I am pleased that the Government has shown recognition of the sensitivity of that question.

I hope that the Government will—I am sure it will—take careful note of Mr Menzies' recommendations, most of which seem to be very sensible and well aware of the serious questions and of the rights of individuals, as one would expect of a former senior officer in the Attorney-General's Department of Mr Menzies' calibre. We in the Opposition express our gratitude for this report. We are pleased that the Government acted on the demands that this matter should be properly investigated. This report will enable the debate on this subject to be carried on in a much more rational way than seemed possible earlier this year.

Senator Sir JOHN CARRICK (New South Wales) (3.42)—I have not had time to do more than glance at the recommendations in the 'Review of material relating to the entry of suspected war criminals into Australia' report and some of its sections. It is a very comprehensive report. Nevertheless, from what I have seen, I find the report precisely what I would expect from such a fine Australian, such a fine lawyer and such a man of dedication and integrity as Mr Andrew Menzies. In common with my colleagues, for a very considerable time I have been greatly concerned by a number of trends in this regard in Australia. I have been deeply concerned that, over a period of some six years or more, the Australian Broadcasting Corporation has been running campaigns on this question of nazi war criminals.

I would have no argument if, in general terms, the ABC had made assertions that nazi war criminals may have come into Australia at par-

ticular times. That in itself would have been a logical argument and one that one would expect in a situation that I remember very well—the immediate post-war years and the period in which, as Mr Menzies said, 170,000 displaced persons, most of them from pitiable and very bad circumstances, came to Australia. The great majority of them have become fine citizens and fine parents of generations of Australians. What concerned me enormously was that the ABC made specific mentions of names and made a series of allegations, repeating them over a number of programs. I was even more concerned by the situation that a Minister in the New South Wales Parliament, assisted by his Government, embarked upon a campaign of denigration of individuals, naming them specifically. I am specifically concerned that in this Parliament, the Australian Labor Party, as well as the Labor Party in the New South Wales Parliament, saw fit to name names.

I rise today to commend the report itself and the finding that there should be investigations of some 70 persons out of 170,000. I commend the report because it has cleared the Australian Security Intelligence Organisation and the intelligence services of Australia and overseas of any sense of conspiracy that has been talked about. I commend the report because it has cleared both Liberal and Labor governments of any sense of connivance with other governments overseas in some idea that we might protect some nazi war criminals against international communism. I commend the report because it got rid of any thought that there was any conspiracy at all. That is very clear. The allegations that have been made from time to time have been proven wrong. I commend the report especially because it has taken upon itself to look at the names of a number of people who were named by the ABC and who had been typified as nazi war criminals. The report has said that there is no such evidence. It mentions, for example, Mr Rover, whom I do not know, Dr Megay, whom I remember as a Federal president of the Hungarian Association in the early post-war years. It also mentions specifically a Slovene named Lyenko Urbanchich whose name is frequently—

Debate interrupted.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being 3.45 p.m., by order of the Senate, I put the question:

That the Senate do now adjourn.

Question resolved in the negative.

SUSPECTED WAR CRIMINALS IN AUSTRALIA

Report and Ministerial Statement

Debate resumed.

Senator Sir JOHN CARRICK (New South Wales) (3.45)—As I was saying, the report mentions specifically a Yugoslav Slovene named Lyenko Urbanchich, whose name has been frequently denigrated in this Senate—indeed, in the last day or two by a Minister. From time to time I have had reason from my own personal judgment to criticise the man himself, not in any sense for nazi criminality but for particular views that he may hold. I wish to make it clear, in fairness to the man himself, that whether one may disagree with him on other political matters, the report itself says that there is no evidence of nazi war criminality on the part of Lyenko Urbanchich. I say that as one who has been critical of him on other grounds. It is fundamental to our Australian sense of decency that we distinguish between the ordinary differences of opinion in politics and dubbing a person a nazi war criminal.

Over a period of years all sorts of allegations have been made of men such as he. The report itself mentions that there is no proof of collaboration. I do not intend to go into whether there was or not. In any case, the report says that whether a person was a collaborator with the nazis is not important. All it was interested in was whether a person had been a nazi war criminal. I rise to tell the people of Australia and the many, many migrants who have worried about name dropping that there are three names at least—Mr Rover, Dr Degay and Lyenko Urbanchich—which have been cleared because there was no evidence that they were nazi war criminals. That must be said. I was very angry indeed when a former Labor Attorney-General came into this Parliament in 1973, I think, and tabled the names of some 2,000 Croats whom he alleged had been criminals or had had bad records.

Senator Georges—But you almost did the same.

Senator Sir JOHN CARRICK—I wish that Senator Georges would pick his time. I am trying to make an objective speech about value judgments and how one should walk with sensitivity in relation to human beings. He, in his own way, understands that. Let me simply say this: It is the duty of the people in this Parliament not to brutalise the reputation of others unless there is some very good evidence. That particular Attorney-General at that time did that; he did an ugly

thing. He suggested to the people of Australia that a huge number of the Croatian community had been guilty people and were not good Australian citizens. He did not produce one tittle of evidence about that, and that in itself is a bad thing.

It is against that background of evidence that we have a sensible and sensitive report by Mr Andrew Menzies—a report which warns us against just name dropping, a practice indulged in by the ABC and the then Wran Labor Government in New South Wales and Mr Walker. It warns us not to call people nazi war criminals if we do not have proof. If we have proof, let us go to the proper tribunal and present the evidence and indeed, even though the years have passed, if there is a significant criminality, let ordinary justice take place. I repeat that we have had the independent ABC using the liberty that it has to do objective things as licence and doing damage to people. This was also done by a State parliament with a State Labor government. It did the dreadful thing of announcing names and making allegations. My colleague Senator Peter Baume and I came into this place and said 'Let us have an impartial investigation'. The Jewish Board of Deputies took a first class objective view. It said: 'We would like to have an investigation, but it must be balanced and not biased in any way. It must not be a witch hunt'. I commend the Jewish Board of Deputies and its leaders for what it has done in this regard.

The matter emerged more recently in America where an investigation was going on episodically into whether there were nazi war criminals there, and in Canada where a royal commission was investigating the matter. It should have made a finding now or it will do so in the near future. The suggestion that emerged was that those two investigations had revealed that a flood of nazi war criminals had come into Australia as a refuge; that Australia was a dumping ground. That was how this matter emerged again against the background of the media, the Australian Broadcasting Corporation and the State Parliament. Against that was the picture that not only did they come in here and use Australia as a dumping ground, but also that there was a deliberate ploy, a deliberate conspiracy to let them in through the Australian Security Intelligence Organisation, through governments of the day, Labor and Liberal, through governments that had connived with overseas governments, to protect them because international communism was now the issue. Now all of that, thank goodness, has been put aside. Mr Menzies has found that there is absolutely no proof at all in this allegation.

He has very rightly said that screening at that time was poor and therefore errors were made. There was a shortage of staff and, in any case, in a confused world undoubtedly some war criminals would have come to this country.

It is no good name calling. I have to say, sadly, that the Labor Party has tended to name call on this over the years. I say emphatically that there is no merit in that; in fact, I could have said repeatedly that the great bulk of the screening of the displaced people who came to Australia occurred under the Chifley Government. I do not make that as a smart point. I just point out that the Chifley Government was in office in Australia from 1945 to 1949, when the bulk of the screening took place. I understand that Government's difficulties in this regard. I have risen to my feet today primarily to say that we should put this matter to rest from now on. Let us put the point scoring to rest. Do not let us be fighting over displaced people, with name calling and trying to score political points, when we are dealing with human beings and the sensitivity of their reputations.

I have risen specifically because along with the generality of the report there are some names in the report—Rover, Megay, Urbanchich—and I have risen to say that, whatever else the report says, there is no proof that those people were war criminals, whatever else they may have been. That ought to be said in fairness to them whether we may have had a particular political difference with them; whether we think that their behaviour in other matters is right or wrong. The important thing is the men's names and reputations have been damaged, and this report has gone out of its way specifically, with three or four names, to remove the element of criminality, while saying that in other areas, such as collaboration, there may not have been proof.

This is a good report. I hope that the Government will set up a sensible inquiry. I am sure that the approach to those 60 or 70 names will be not to do any witch hunting but, in the spirit of Mr Menzies' recommendations, only to look at those about which there is absolute evidence of criminality, not collaboration. I rose in this place to point out that none of us could be judges.

Senator Georges—Of collaboration?

Senator Sir JOHN CARRICK—I wish that Senator Georges would stop interrupting, because this is an important matter. It does no credit to him at all. I remind the Senate that there has been a tremendous controversy by the Labor Party over one ethnic group of people,

the Croats. I remind the Senate that no group of people has suffered more in history than the Croats, and indeed from actions by allies in two wars. I remind the Senate of the heterogeneous collection that was forced to be the fate of Yugoslavia—how a whole host of people of different languages, races, beliefs and cultures were brought together, whether they were Croats, Serbs, Macedonians, Hercegovinians or Slovenes and were forced together into a state. I remind the Senate that when World War II broke out King Peter of Yugoslavia went to England. One would have expected that the British Government and the allies generally would have taken a sympathetic view of those who were the royalists, Mihailovics and the Chetniks, inside Yugoslavia. The choice for those in Yugoslavia, with Germany on one frontier and with Russia breathing down their necks, was either to go along with the royalists, with Mihailovic and the Chetniks, in that direction, to go with Tito and the communist partisans in the other direction, or to go with the Germans. That was quite a possibility, because a person who joined the German army or supported it was no criminal as such. Another choice was even to go with the Ustasha, although it turned out to be a detestable situation.

What happened at the end of the War? Did the allies support Mihailovic and the Chetniks? Not on your life! They gave their support to Tito, and Tito and his partisans not only murdered Mihailovic but also slaughtered some 200,000 Chetniks. Does anybody here not feel sympathy for a nation that has been fought over in that regard? Out of that came all the heart-breaks, all the passions for freedom. That is the background against which we are talking. I am old enough to have seen in World War II the displaced people, to have met them and their leaders in the decade after the war, and to understand the enormity of their problems. Many people were in confused and difficult situations; many would have been in controversial situations. It is not for us to attack them and name call them now. It is for us to look at only one thing—criminality.

The side one took in the war is irrelevant to this argument. That is a justifiable situation, but whether in taking one's partisan side one caused murder and mayhem, did damage beyond the ordinary rules of war, is the judgment we must make. That is the judgment that Mr Andrew Menzies invites us to make in a document which has removed all those allegations of conspiracy and that some kind of trumped up job was done between intelligence agencies, governments of

Australia and the West. He comes to a conclusion that we must face, that there was very great inefficiency and undoubtedly bad screening, and a number of war criminals got in. He said, 'I am not giving a list of names. I am making a recommendation for investigation, and you should proceed further only if you have solid evidence'. He has also done what I think is the decent thing. He has looked at some names that the Australian Broadcasting Corporation had branded and has found that there is no ground in terms of criminality. I am delighted that that is so.

Senator SHORT (Victoria) (4.00)—I wish to speak briefly at this stage to the tabling of this report entitled 'Review of material relating to the entry of suspected war criminals into Australia' and the Government's statement by the Minister for Resources and Energy, Senator Gareth Evans.

Senator Georges—I thought there was not going to be a debate on this.

Senator SHORT—I will not take up much of the Senate's time. Briefly, I welcome the report. I have not had the opportunity to read the report in any detail as yet. It is obviously a very important report that will bear very careful and detailed study by, I hope, a wide range of Australians, but particularly by the parties in this Parliament. The report was commissioned following certain allegations on Australian Broadcasting Corporation programs earlier this year, about which I put down a series of questions in this place in the middle of the year, and to which I received what were totally unsatisfactory responses later in the year by the Minister for Communications (Mr Duffy), which were obviously drafted by the ABC. I will look at that matter later. The important thing that has emerged from this report to date, as I understand it, is that it has cleared away, as Senator Sir John Carrick said, many of the allegations and smears that have been made in Australia and elsewhere over many years about a range of people, but more particularly about a range of particular groups, in our community.

The report by Mr Menzies, as I understand it, has suggested that there are about 70 names of people from a wide number of countries that would warrant some investigation. No allegations, of course, have been made in that report—simply the fact that investigation is warranted. I welcome that, and I welcome any report, study, examination and follow-up that is made on that issue. The important point, I believe, is that the 70 names represent a very small number—a minute number, to use Mr Menzies' words—of

the 200,000 displaced persons who came to Australia in the years following the end of the Second World War. Mr Menzies' report has wiped out as being completely groundless any suggestion that any group in our community was involved as a group with nazism or with war crimes. I think that is a great relief and of satisfaction to many of the very fine ethnic groups in our community that comprise so many very fine Australians, many of them Australians of up to 40 years standing.

We must never forget that all Australians are entitled to a presumption of innocence unless guilt can be proven. It is also essential that, in investigating allegations—and I hope that the allegations are investigated as may be deemed appropriate—the due process of law is observed in every respect, including the application of normal Australian rules concerning the admissibility of evidence, the right of counsel for the defence to cross-examine witnesses, and the right of the accused to appeal against conviction. I am sure that the Government will study these matters, as it studies the report and its responses to it over the period ahead. In particular, I welcome the Minister's statement that the Government's intention at this point is not to favour the recommendation in the report concerning the possibility of making special extradition arrangements with certain countries whose systems are quite different from ours. I think there are very real dangers in going down that path. The Americans have found this to be so in their investigations in recent years, as have also, I understand, the Canadians.

I will defer any further comment until we have a more detailed response from the Government in the months ahead. Suffice to say that I welcome the report on behalf of all Australians, but more particularly those Australians from the various communities that have felt under threat within our community over recent years because their names were being smeared by association and innuendo. I believe that the Menzies report has put paid to that. I welcome the progress of this matter towards full, proper, just and appropriate further examination, along with the principles of justice with which, fortunately, we in this country are blessed.

Senator PETER BAUME (New South Wales) (4.05)—Mr Andrew Menzies has now reported to the Government on the findings arising out of his investigation into the immigration of former nazis to Australia. In parallel with his inquiry, but on a much more limited scale, through a lawyer on my staff and with the good will and

assistance of the Australian Archives, I have carried out my own investigations into some of the circumstances surrounding post-war immigration from Europe to Australia. Today I want to draw to the attention of the Senate some of my findings. I hope that this speech and the attached background documentation will give people an added understanding of the problems of nazi immigration to Australia in the late 1940s and early 1950s. It should enable us more easily to absorb the detailed research of Mr Menzies and his team.

From the outset, I believe that the issue is a non-partisan, bipartisan or multipartisan issue. Mr Menzies was asked by a current Labor government to make his inquiries. This was in response to calls from Mr Frank Walker of the New South Wales Labor Party, and Senator Sir John Carrick and me from the Liberal Party. The inquiry was endorsed by the Australian Democrats. My research indicates that the immigration policies of both the Chifley and Menzies governments were very similar. Documents I have found show that on occasions both Mr Calwell and Mr Holt, as Immigration Ministers, were tardy in following up nazi-related allegations against some immigrants. Other documents show that in one instance speedy action was taken by a Liberal Party government against an alleged former fascist—and so it goes.

My investigations clearly show that former nazis did come to Australia in the late 1940s and early 1950s. Some of these immigrants were German nazis, while others were members of equivalent organisations such as the Arrow Cross of Hungary, the Zbor of Yugoslavia and the Croatian Ustasha, to which reference has already been made. The conditions were just right for nazis to slip into Australia at that time, for a number of reasons. First, central Europe was in a state of turmoil, with many personal records destroyed. Secondly, an inadequate screening system was in place. Thirdly, confusion abounded about which groups would be refused entry. Fourthly, many former nazis assumed new identities. Fifthly, obtaining what were called 'good workers' seemed to be a higher priority than making sure that what were called 'undesirable migrants' were kept out. These problems led to a situation in which nazi criminals and war collaborators in Germany and eastern Europe could more easily migrate to Australia. I agree completely with the first finding made by Mr Menzies in his report.

I have obtained numerous documents that support these claims. While none of my docu-

ments provide conclusive evidence of a war criminal entering Australia, I am in no doubt that at least a few did so. Many of these former nazis carried on their racist and violent behaviour in Australia. Others laid low, hidden behind their new identities. But many were identified—some by the authorities, some because of bad conduct, some by boasting about their past, and some by former victims. Occasionally foreign governments requested the extradition of suspected war criminals. In these ways people did come to the attention of the Australian Security Intelligence Organisation and its predecessor organisation, the Commonwealth Security Service.

The Archives contain many ASIO and CSS files documenting investigations of former nazis. Unfortunately, there was at that time in that era a marked reluctance—one can see this in the documents—to hold full and open investigations into these allegations. Instead, the following features seem to have guided most of the activities of the time: First, there was less concern about uncovering nazi connections and fascist attitudes of immigrants than for protecting the immigrants—often the same people—if they were found to be staunchly anti-communist. This was in the McCarthy era. Secondly, there was the assumption that every accusation was likely to be unfounded. Thirdly, there was the assumption that the screening system which had operated before these people came to Australia was adequate. Fourthly, there was the intuitive feeling that significant political difficulties would arise from admitting publicly that former nazi collaborators, war criminals or nazis had entered this country.

Documentary evidence which I have found has led me to conclude that many of the investigations were inadequate. Some were white-washes and some were cover-ups. Many of the former nazi immigrants did become naturalised Australian citizens, and they may well have become very good Australian citizens. In the naturalisation files I have reviewed there have been police reports on the migrants' background. They are generally in inadequate documents; these reports were not such as would ever have uncovered the conduct of former nazis or would have prevented their naturalisation. This was another failure in the process at the time.

I want now to justify my general conclusions by referring in detail to some of the important documents I have uncovered. Senator Gareth Evans has pointed out correctly that some of them might be too voluminous to incorporate in *Hansard* so I shall seek to table some and to

incorporate a number—mostly brief documents. Although my none too startling revelation of turmoil in Central Europe can be taken as read, it is important to note its effect on Australian immigration from Europe. My first document, which is a fairly sizable document, sets out the nature of the turmoil in Europe at the time and the problems it caused. It is a nine-page document marked 'confidential', dated 1950 and about German migration. I seek leave to table this document.

Leave granted.

Senator PETER BAUME—I thank the Senate. Even Mr Holt, who as Immigration Minister of the day had to defend the integrity of the screening system, had to admit in answer to a parliamentary question on 7 November 1951:

I do not say that it is impossible for a nazi, or a communist for that matter, to get through the screen, but I contended that it is highly improbable that such a person would succeed in doing so.

I discuss the migrant selection documents in more detail in a background paper which I have prepared and which I also seek leave to table.

Leave granted.

Senator PETER BAUME—The documents add weight to the suggestion that the screening process was inadequate. My paper reveals little in-depth investigation into the background of potential migrants. There are good reasons for this: There were not enough people doing the job and there were too many people to be screened in too short a time. But the confusion about which group should be refused entry to Australia is best exemplified by document No. 3, which I seek to table and from which I shall quote.

Leave granted.

Senator PETER BAUME—I thank the Senate. I shall quote paragraph 6 of that document, which is written by the Australian Security Intelligence Organisation Regional Director for New South Wales. In relation to some allegations, he stated:

Most of the allegations dealt with in the separate memoranda boil down to accusations that the subjects were members of the Nazi Party, or Hitler Youth and fought against the Allies in the last war. All the German immigrants employed by the Snowy Mountains Authority must be fit and comparatively young men and therefore it almost necessarily follows that they fought in the last war, and all Germans normally belonged to the Nazi Party or to some allied organisation such as Hitler Youth. As far as I am aware—

this is the part I want to emphasise—

it has never been laid down as policy that a history of this kind is a bar against entering Australia as a migrant, nor has it ever been laid down officially (though I think it has been laid down in Parliament) that high office in the Nazi Party or proof of "war crimes" would act as a bar. It seems a matter of some urgency that a definite policy be stated for guidance.

I endorse his concerns that it was a matter of urgency that the policy be laid down. If that statement of 14 January 1952 in that memorandum is correct, it is clear that there was no bar on former nazis, possibly including war criminals, entering Australia. Contrast that with Mr Holt's answer to the question which I read earlier in which he said that it was most unlikely that people would have slipped through. Should this statement be incorrect and should the Regional Director have got it wrong, it is still enlightening. If such a senior official as a regional director of ASIO was in doubt about the policy, certainly other officers would have had similar doubts. In fact, the first document which I tabled suggests that the recommended policy was to let some former nazis into Australia. Documents 4 and 5 give examples of former nazis assuming new identities. The names are still there. I would like to table these documents but I would like to hold on to them until I have whited out any appropriate names. I seek leave to table these two documents.

Leave granted.

Senator Georges—With the names deleted?

Senator PETER BAUME—Yes, with the names deleted. There is no point in using names here. These people adopted new identities. They required little proof to do so in the post-war years. I possess many other documents which refer to such changes of identity. In the background paper which I have tabled I consider in more detail the theme running through many administrative documents, that it is very important to obtain good workers. My reading of these documents leads me to believe that this goal took priority over the need to screen out undesirable people from Europe. Although officers always expressed confidence in the integrity of the scheme, this confidence prevented them from needing to make a choice. The fact that they had confidence relieved them of having to make a choice between the admitting of fewer good workers and the better screening out of undesirable migrants. If they assumed the screening process was impeccable, they had to do nothing more. To provide hard evidence that any nazi war criminals and collaborators did migrate to Australia, I sought information from the Australian Archives about a number of individuals on

a list which was supplied privately to me of alleged former nazis who were suspected of having come to this country. Some of the people on that list had in fact come to Australia together with a number of other former nazis. By the way, that does not make them nazi war criminals.

I have a whole series of documents here which I do not seek to table or incorporate which sets out the names of some of those alleged nazis and some of the ways in which they came to light. All of them were investigated by ASIO. I also have whole files of ASIO documents on people from certain eastern European countries who were former and continuing members and supporters of the Zbor, the Ustasha and the Arrow Cross. Even ASIO, with its distinct lack of enthusiasm for finding former nazis, concluded in a number of cases that former nazis were in Australia.

I have deliberately not revealed my whole hand in this regard. My investigations are continuing. I do not know where they may take me. Although these documents do not prove that nazi war criminals were discovered in Australia, I take the words of an ASIO director who said about one person, whom I will not name: 'It is difficult to appreciate that a number of people who have made statutory declarations have done so in complete error'. It is just too convenient that in every case it was concluded that the accused people were clean, were not war criminals and those making statutory declarations were all in error. I seek leave to table document No. 14, which is a censored ASIO report entitled 'Nazi Migrants in Australia'.

Leave granted.

Senator PETER BAUME—Only two of the names were not censored. So there were 13 names, I think, on the list. I am not allowed, even today, to know what most of them were. They have been censored by ASIO for secret service reasons; I do not know what the reasons were. I have appealed under the provisions of the Archives Act against this ASIO decision as I have in many other cases where ASIO censorship appears to hide information which I consider to be important. The form of this censorship is discussed again in the background document which I have tabled.

I turn now to discuss in more detail the reluctance to hold full and open investigations into those allegations, when they were made, that there were nazis or significant nazis entering Australia. I want to illustrate the four elements that seemed to guide these inquiries. First, in the documents I have already drawn to the attention

of the Senate, there are constant references to the staunch anti-communism of the accused migrants. That is very important but it does not, of itself, have any relevance in relation to the question of whether they were nazis or nazi war criminals and it has no relevance to any conduct, past or present, which was in question. This attitude is well illustrated in document No. 15, a short letter over the signature of the Director-General of Security which I seek leave to incorporate in *Hansard*.

Leave granted.

The letter read as follows—

COMMONWEALTH OF AUSTRALIA

ATTORNEY-GENERAL'S DEPARTMENT
D BRANCH,
BOX 5219 BB, G.P.O.,
MELBOURNE
11th July, 1951

Telegrams:

'Austerity, Melbourne

SECRET

The Secretary,

Department of External Affairs,
CANBERRA, A.C.T.

Dear Mr Watt,

With reference to your memorandum 1550/20 of 13th June, 1951, seeking information in connection with the note from the Yugoslav Consulate General requesting return and to Yugoslavia for trial as War Criminals, I am forwarding the attached report compiled by my officers.

While this matter appears to be an extension of Yugoslav internal politics, it must be stated these two men represent a body of Yugoslavs who cause infinitely less trouble to this organisation than the great body of their fellow immigrants. They are unceasing in their campaign against Communism and can and do assist A.S.I.O. to the limit of their ability.

It would be appreciated if I could be informed in due course of the nature of your reply to the Yugoslav Consulate General.

Yours sincerely,
Spry

Director-General of Security

Senator PETER BAUME—Colonel Spry said in that letter:

While this matter appears to be an extension of Yugoslav internal politics, it must be stated these two men—

whom I will not name—

represent a body of Yugoslavs who cause infinitely less trouble to this organisation than the great body of their fellow immigrants. They are unceasing in their campaign against Communism and can and do assist A.S.I.O. to the limit of their ability.

We have to remember that officers were operating at the beginning of the Cold War. They were operating in the context of a post-war

Europe in turmoil. This explains why their priorities lay as they did, but it must not cloud our judgment if what we are considering is who entered Australia and whether any of them had a past about which we wish to know more. Secondly, many of the documents indicate that the investigating officers worked on the assumption that an association was likely to be without foundation. My next two documents, document No. 16 and document No. 17, both single page documents, are a draft and a final letter over the signature of Mr Holt as Minister for Immigration. I seek leave to incorporate in *Hansard* both the draft and the final letter.

Leave granted.

The documents read as follows—

19th January, 1950

Dear Mr Renouf,

I wish to acknowledge your letter of the 11th instant with which you forwarded copies of documents purporting to support recent allegations of the unsavoury political leanings of certain former displaced persons who are in Australia.

Copies of the statements you sent me had already been received in my Department of immigration, and a thorough investigation is now in progress. Preliminary advice from the investigating authority in respect of three of the men indicates that there is little substance in the allegations made against them. Enquiries into the backgrounds of the remaining persons are continuing.

While not discounting the seriousness of the charges if proven correct, I must inform you that charges and counter charges of the nature of those in your correspondence are not unusual among these people. On investigation it is generally found that the informant is actuated by religious or national bias and that the charges made cannot be substantiated.

However, you may be assured that I shall have the matters raised in your letter carefully sifted and take appropriate action should it be warranted.

Yours sincerely,
H. E. HOLT
Minister for Immigration

E. W. Renouf, Esq.,
65 Turton Avenue,
Belmore, N.S.W.

19th January, 1950

Dear Mr Renouf,

I wish to acknowledge your letter of the 11th instant with which you forwarded copies of documents purporting to support recent allegations of the unsavoury political leanings of certain former displaced persons who are in Australia.

Copies of the statements you sent me had already been received in my Department of Immigration, and a thorough investigation is now in progress.

You may be assured that I shall have the matters raised in your letter carefully sifted, and take appropriate action should it be warranted.

Yours sincerely,
H. E. HOLT
Minister for Immigration

E. W. Renouf, Esq.,
65 Turton Avenue,
Belmore, N.S.W.

Secretary:

This replaces letter of 19-1-50 prepared in the Department.

Senator PETER BAUME—Mr Holt, to his credit, refused to sign the draft letter but it gives us a good insight into the attitude of the Department of Immigration in respect of such accusations. I refer particularly to the last sentence of paragraph 3 of the draft, which states:

On investigation it is generally found that the informant is actuated by religious or national bias and that the charges made cannot be substantiated.

Such sentiments are a common theme in the documents. Thirdly, there was an assumption that the screening system was perfect. I have already indicated that that is not the case. Indeed, Mr Menzies makes that clear in his report. I seek leave to incorporate in *Hansard* document No. 18, which is a letter of just a little more than one page. It is from Mr Calwell.

Leave granted.

The letter read as follows—

(Written at Melbourne)
10th November, 1949

Dear Mr. Leno,

I refer to your representations regarding the views expressed by your Committee that immigration into Australia should be confined to persons residing in countries within the British Empire, and that a grave risk is involved in admitting Germans who were former members of the Nazi party.

In the forefront of the entire immigration programme of the Commonwealth Government are the free and assisted passage schemes designed to bring to this country a steady stream of the best possible immigrant types from the United Kingdom. The Government is determined to preserve the predominantly British character of the Australian nation by insisting that the highest possible proportion of our population gain through immigration should be from the United Kingdom and other Empire countries.

The vital necessity for considerably increasing the population of Australia, both from the defence and economic aspects, cannot be too greatly or too often emphasized. As I have pointed out, preference is given to the entry of British subjects, but it has been found that Australia can absorb immigrants in greater numbers than that offering from British countries. However, non-British persons are, and will continue to be, admitted only in such numbers and of such classes that can readily be assimilated, and every precaution is taken to ensure that they are desirable types.

With regard to the entry of German nationals, you will note from my letter of the 11th October last that

only close relatives of residents of the Commonwealth are eligible for admission, and that a thorough investigation is made to ensure that the nominee does not constitute a security risk or is not an active Nazi or Fascist. I would like to point out that these checks, which are of an extremely exhaustive nature, are carried out by Australian and other British authorities in Germany, and if the slightest doubt is held regarding the integrity of the nominee a visa would not be granted in his favour.

While Australia needs migrants, both British and non-British, to maintain her economic stability and ensure her future prosperity, you will see that every care is taken to see that only those who are able to comply with the high standards required, and will become good Australians, will be admitted to the Commonwealth.

In conclusion it is desired to express appreciation of the interest your Committee has shown in the vital question of immigration.

Yours sincerely,
(ARTHUR A. CALWELL)
Minister for Immigration

A. E. Leno, Esq.,
Secretary,
Combined Union Committee,
Newport Railway Workshops,
Victoria

Senator PETER BAUME—In this letter Mr Calwell expressed this generally held view:

. . . a thorough investigation is made to ensure that the nominee does not constitute a security risk or is not an active Nazi or Fascist. I would like to point out that these checks, which are of an extremely exhaustive nature, are carried out by Australian and other British authorities in Germany, and if the slightest doubt is held regarding the integrity of the nominee a visa would not be granted in his favour.

I seek leave to incorporate in *Hansard* document No. 19, which is another single page letter.

Leave granted.

The letter read as follows—

August 1950

Dear Mr Ward,

I refer again to your inquiry regarding the issue of a Landing Permit in favour of . . . a German national, and his wife.

This case has been fully investigated and the following information has been obtained.

Mr . . . first came to Australia in 1929 and remained here as a woolbuyer until 1939. In the latter year he married and left for Germany on a business trip.

Mr and Mrs . . . were in possession of a Re-Entry Permit and obviously were unable to return to Australia owing to the outbreak of hostilities.

In 1949 an application by . . . was made for the readmission of . . . and their child and in accordance with the usual practice, this was submitted to the Security Authorities for advice as to whether there was any security objection to the application. As the answer was in the negative and the nominees came within the

categories of German nationals normally eligible for entry into the Commonwealth, a Landing Permit was issued in their favour on the 26th October, 1949, subject to the usual conditions, including security checks in Europe. . . . could not have received a visa for Australia unless he had been thoroughly screened by Australian Officers in Germany.

I may add that security checks are made in Europe in regard to all holders of Landing Permits, before they are granted visas for Australia. If it is found that a permit holder is an active nazi, is considered to be likely to engage in any other subversive activity or is undesirable in any way, a visa is not granted and the permit is impounded for cancellation.

It will be seen that the question of the readmission of Mr and Mrs . . . was dealt with strictly in accordance with immigration policy.

Yours sincerely,
(H. E. HOLT)
Minister for Immigration

The Hon. E. J. Ward, M.P.,
Federal Members' Rooms,
SYDNEY, N.S.W.

Senator PETER BAUME—I thank the Senate. On this occasion Mr Holt wrote:

If it is found that a permit holder is an active nazi, is considered to be likely to engage in any other subversive activity or is undesirable in any way, a visa is not granted and the permit is impounded for cancellation.

Honourable senators should note that he refers to the exclusion of migrants who were undesirable in any way. Yet I have found a large immigration file index containing the names of immigrants who were identified as undesirable by that Department for a number of reasons, including their nazi backgrounds, but who apparently still came here. I seek leave to incorporate in *Hansard* two brief documents—document No. 20 and document No. 21, letters.

Leave granted.

The documents read as follows—

C2768

To Marks, Sydney
from Lawrey, Canberra.

50/3/25750. Complaint received by Minister concerning re-admission landing permit C.38922, your File N49/3/6015.

Presume case referred to security before permit was issued. Please confirm this and that no objection was raised.

MT 21/7/50 12.15

COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF IMMIGRATION
CANBERRA, A.C.T.

9th May, 1950.

SECRET

The Secretary,
Department of External Affairs,
CANBERRA, A.C.T.

I refer to your memorandum of 19th April, No. 1550/18, covering copy of a Note received from the Yugoslav Consulate-General concerning a migrant named . . .

This man appears to be identical with a displaced person known to this Department as . . . born 15/4/97, who arrived in Australia under the Displaced Persons' Scheme by the vessel "Fair Sea" on 9/6/49. He was accompanied by his wife, . . . born 26/10/07, and his son, . . . born 29/8/32.

. . . is at present employed at this Department's Reception and Training Centre, Bonegilla, Victoria, as a Block Supervisor, his wife is also employed there, whilst the son, . . . is employed by the Department of the Army at No. 1 C.O.D., Bandianna, Victoria.

History cards prepared initially by the International Refugee Organisation in Europe and completed by our Selection Teams in Germany show that these people were of Yugoslav/Serbian nationality and under the section "Security" that the family "fled from the political regime". They were cleared by the Allied Security Authorities and our own Security Officers attached to the Australian Military Mission in Germany, otherwise they would not have been accepted for settlement in Australia.

Whilst the question raised in the Note received from the Yugoslav Consulate-General is one with which this Department is not directly concerned, our views are that the family having been accepted for settlement in Australia should be permitted to remain here and should not be handed over to the Yugoslav authorities, subject to—

- (a) any further security inquiries which you may consider it necessary to make not proving adverse;
- (b) it is within the jurisdiction of the Commonwealth Government to refuse to hand over persons cited by another nation as war criminals.

(T. H. E. HEYES)
Secretary.

Senator PETER BAUME—I thank the Senate. These letters demonstrate the reliance which was placed by the governments of the day—whether they were Labor or Liberal—on the imperfect screening system after a complaint had been received. In both of the cases that I have referred to the investigation merely consists of a check that the person was originally screened and that no objection was raised. This assumes that it was a pretty good screening system. Fourthly, many documents convey a feeling that the political difficulties that would arise from admitting that former nazi collaborators and

criminals had entered Australia would be too great. I seek leave to incorporate in *Hansard* document No. 22, one of my last incorporations, which is an External Affairs minute of one page.

Leave granted.

The document read as follows—

EXTERNAL AFFAIRS

File No. 1550/20.

FOR THE SECRETARY:

Yugoslav "War Criminals" in Australia

The Yugoslav Consulate-General has asked that the Australian authorities should deliver to the Yugoslav Government two Yugoslav displaced persons now resident in Australia named . . . and . . . who apparently have been named as war criminals by a Yugoslav Federal Commission. The Yugoslav Note is attached.

2. . . . is at present Editor of the Perth migrant newspaper "Sloga", which is allegedly hostile to the present Yugoslav Government. . . . is stated to be associated with . . . on "Sloga". The political motive behind the Yugoslav request is thus quite apparent.

3. The evidence advanced against . . . is particularly weak and is unsubstantiated. A rather better prima facie case has been made out against . . . but of course it should not be accepted as true without verification. There does not appear to be any international agreement binding on Australia to surrender such persons.

4. Even if investigation discloses that there is some truth in the Consulate-General's allegations, it does not appear desirable to accede to its request for the men's extradition. Similar requests have been made to the United Kingdom Government but almost all have been refused on the grounds that it is time to bring to an end the punishment of minor war criminals. The few persons handed over to the Yugoslav Government were those who "by the nature of their official positions, rendered such signal service to the enemy that it would be difficult, if not impossible, to justify a refusal to consider surrendering them" . . . and . . . do not appear to be in this category.

5. It is recommended however that a copy of the Note should be referred to Immigration and the Security Service for a report, for it seems desirable to ascertain the facts of the matter and to inform these agencies that this request has been made. A report might also be obtained from the British Embassy in Belgrade, if this is practicable for it, upon the findings of the relevant War Crimes Commission and the validity of its decisions.

4th June, 1951.

PO'C/HN

Legal & Consular.

Senator PETER BAUME—That document exposes the nature of some of these political problems. In that minute, the External Affairs officer stated:

A rather better prima facie case has been made out against—

I will not mention the name of the person—

but of course it should not be accepted as true without verification.

He went on to state:

Even if investigation discloses that there is some truth in the Consulate-General's allegations, it does not appear desirable to accede to its request for the men's extradition. Similar requests have been made to the United Kingdom Government, but almost all have been refused on the grounds that it is time to bring to an end the punishment of minor war criminals.

The then Attorney-General, Sir Garfield Barwick, explained these political difficulties in more detail in refusing the Soviet Union's request for the extradition of Ervin Vicks who had been accused of mass shootings which were organised by him while he was chief of the political police in Estonia. Sir Garfield Barwick said at that time:

"Two deep-seated human interests, however, may well here come into conflict. On the one hand, there is the utter abhorrence felt by Australians for those offences against humanity to which we give the generic name of war crimes. On the other hand, there is the right of this nation, by receiving people into this country, to enable men to turn their backs on past bitterness and to make a new life for themselves and their families in a happier community. This has formed a precious part of the heritage of the West, in which Australia has an honourable share.

I interpolate here that Mr Menzies has made it clear in his recommendations that he believes we should take a different course and that, if there are war criminals, they should remain fit subjects for search even 40 years later. Sir Garfield Barwick continued:

In a given case the choice between these two human interests may present a government with a difficult decision. In the present instance, however, the Government came to the conclusion that, all questions of legal obligation apart, if such a choice had been necessary to resolve the matter, its right of asylum must have prevailed. Australia has established a thorough, though of course not infallible, system for sifting and screening the hundreds of thousands of migrants who have enriched our national life since the World War. In default of a binding obligation to do otherwise, those, who have been allowed to make their homes here, must be able to live, in security, new lives under the rule of law.

So my conclusion is that many of the investigations were whitewashes and in others people just really were not terribly interested. There was a very serious allegation in one of the documents which I have not tabled concerning a person said to be a nazi. The investigation of this very serious allegation against six people amounted to little more than asking each of them what he had done during the war. In each case an interpretation was placed on his background circumstances that was most likely to lead to conclusions

that he was neither a former nazi nor a former war criminal. In another extradition request concerning a certain person, whom I will not name, there is clear evidence that a cover-up exists. I refer again to document No. 21, which has been incorporated, which acknowledges that this certain person:—

. . . appears to be identical with a displaced person known to this Department as—

it gives a different name—

born on 15/4/97, who arrived in Australia under the Displaced Person's Scheme by the vessel 'Fair Sea' on 9/6/49.

There are yet other documents which I have, which refer to this person. I seek leave to incorporate in *Hansard* these two very brief final documents.

Leave granted.

The documents read as follows—

DEPARTMENT OF EXTERNAL AFFAIRS,
CANBERRA.
17th July, 1950.

Sir,

I have the honour to refer again to the Consulate's Note P. No. 176 of 24th March, 1950, regarding . . .

Inquiries into the matters raised in this Note have been made, but it has not been possible to identify this person in Australia.

There is a record of a . . . having arrived in Australia in 1949, but the personal particulars of this person and of the members of his family do not square with those contained in your Consulate's Note. In any case, the Australian Government would be unable to agree to handing over . . . as his past history was thoroughly examined before he was accepted for settlement in Australia and he was cleared in every respect.

I have the honour to be, Sir, your obedient servant,

(A. S. Watt)
Secretary

The Consul-General for Yugoslavia,
Yugoslav Consulate-General,
10 Clement Street,
Rushcutters Bay. N.S.W.

24th August, 1950.

Sir,

I have the honour to refer again to the Consulate's Note P. No. 176 of 24th March, 1950, regarding . . .

Inquiries into the matters raised in this Note have been made, but it has not been possible to identify this person in Australia.

I have the honour to be, Sir, your obedient servant,

(A. S. Watt)
Secretary.

The Consul-General for Yugoslavia,
Yugoslav Consulate-General,
10 Clement Street,
Rushcutters Bay. N.S.W.

Senator PETER BAUME—I thank the Senate. These documents show the response to the Yugoslav Government in both draft and final form and it is quite clear that they state that they do not know who the person is. Yet the Department's internal minute, which I quoted earlier, states that the person appears to be identical with a person who is in Australia and who arrived on the *Fair Sea*. The draft letter is quite misleading, but by identifying the person at least it offered the Yugoslav Government the opportunity to check him out. The letter actually sent—not the draft—covers up the matter. It hides the fact that we knew he was in Australia under a different name, so no possibility of further follow-up could arise.

Overall, my limited research has revealed a degree of sloppiness of procedure partly due to the tough conditions of the time and partly due to the turmoil in Europe. It has shown a lack of willingness in this country to deal with the entry of former nazis, to investigate those who may have come in, to investigate complaints, or to pursue them with diligence and thoroughness. I find it disappointing and disturbing.

Many more files could have been available but, unfortunately, some of them have disappeared from the Australian Archives. Others have been censored heavily and I cannot get access to them. They may have thrown more light on this matter. I am still following up some leads. I have lodged numerous appeals against decisions to refuse access to information. However, some files have been destroyed and their secrets are hidden forever. For me these have been frustrating dead ends.

I welcome the publication of Mr Menzies' findings. They are everything my colleagues have said. They are careful, reasonable and balanced, and they seek to get in this country a debate which is equally reasonable and balanced. Let me finish on a note of caution. It is important that the facts do come out. It is important that we know whether we admitted to this country, among the great number of people who were the victims of World War II, who were never nazis, who suffered under the Germans, any people who could have been nazi war criminals. It is important that we know the extent of entry

of any nazi war criminals into this country, but in finding that out we must avoid a witch hunt and we will do this only if we make sure that we do not try to identify whole migrant communities as being either undesirable or unsavoury in some way, that we do not identify particular nationalities as being unsavoury. I do not seek necessarily the punishment of nazis. Forty years on, let them rest. I am not even certain that we have to seek out and to punish those who were nazi collaborators, those who may have been publicists for nazi regimes. Forty years on, let them go. However, if there are people who were war criminals, guilty of crimes against innocent civilian populations, there is no statute of limitations. Mr Andrew Menzies, in some of his main findings, has taken us down that path and if we pursue that path and acknowledge that we have a task to carry out, I believe that Mr Menzies' report and his work will have been well worth while.

Debate (on motion by Senator Gareth Evans) adjourned.

DEPARTMENT OF THE PARLIAMENTARY LIBRARY

Report

The ACTING DEPUTY PRESIDENT (Senator Jessop)—Pursuant to section 9B (2) of the Public Service Act 1922, I present a report on the operations of the Department of the Parliamentary Library for the period 1 July 1985 to 30 June 1986.

PUBLICATIONS COMMITTEE

Report

Senator ELSTOB (South Australia)—I present the nineteenth report of the Publications Committee and I seek leave to move a motion in relation to the report.

Leave granted.

Senator ELSTOB—I move:

That the report be adopted.

Mr Acting Deputy President, I wish to correct an oversight. Last week the Joint Committee on Publications put down a report on the review, cost and distribution of the Parliamentary Papers Series. I inadvertently forgot to thank the Acting Secretary to that Committee, Maureen Weeks, who has done a sterling job for the Publications Committee. When I brought down that report I simply forgot to thank her. It was a tragic mistake on my part and on this occasion I most certainly thank her. Maureen Weeks is one of the most competent people with whom I

have worked on any committee and because of her dedication the report I put down last week could save the Government many thousands of dollars. It is mainly to her credit that it is such a fine report. Once again, I apologise for my oversight and thank her very sincerely. I understand that next year she will be leaving us; she will be a legislation officer in the Table Office. Our loss is its gain. She is a most competent person, a very pleasant person to work with, and I thank her very much.

Question resolved in the affirmative.

STANDING COMMITTEE ON FINANCE AND GOVERNMENT OPERATIONS

Report

Senator COATES (Tasmania)—On behalf of the Senate Standing Committee on Finance and Government Operations, I present the report on funding of superannuation by statutory authorities, together with the transcript of evidence and certain correspondence.

Ordered that the report be printed.

Senator COATES—by leave—I move:

That the Senate take note of the report.

This report brings to a close a study over several years into the funding of superannuation by statutory authorities. It is a straightforward factual report on certain reviews by the Actuary, responses by the authorities concerned, a statement on the matter by the Minister for Finance (Senator Walsh), and the reaction to that statement by the authorities. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEE OF PRIVILEGES

Report

Senator CHILDS (New South Wales)—I present the tenth report of the Committee of Privileges, relating to the matter referred to the Committee on 13 November 1985 concerning the detention of a senator.

Ordered that the report be printed.

Motion (by Senator Childs) agreed to:

That the consideration of the report be made an Order of the Day for the next day of sitting.

STANDING COMMITTEE ON FINANCE AND GOVERNMENT OPERATIONS

Report

Senator COATES (Tasmania)—by leave—I wish to respond to an article in today's Sydney *Daily Telegraph* written by John Ellicott, re-

porting reaction by Ms Geraldine Doogue and her agent to the report I tabled on Wednesday about Australian Broadcasting Corporation employment contracts and their confidentiality. I was amused at being accused of using the report to get my name in the newspaper, in view of the fact that there was only one newspaper I saw which bothered to report the matter in the first place, and that was not the *Telegraph* but the *Age*.

First, I make it absolutely clear that the Standing Committee on Finance and Government Operations made no criticism of Geraldine Doogue whatsoever. I acknowledge that it is unfortunate from her point of view that our inquiry into the ABC necessitated some of the details of her contract being revealed. However, I point out that, at my insistence, the Committee continued to protect her by not insisting—as we could have—that the ABC reveal the size of her fee. There was no ‘arrangement’ about this, as suggested in the article, merely an acknowledgment by the Committee that the principle of the ABC’s accountability to parliament was more important than that particular detail. The ABC agreed that it would provide any information the Committee required.

Ms Doogue is quoted as being affronted to have her personal affairs ‘dragged out to become a public curiosity’. I just point out that it was a statutory authority’s affairs that were being examined and, when someone works for a statutory authority, information should be available to the Parliament when requested, whether the person is paid under the terms of a Remuneration Tribunal determination or an industrial award, or is a contractor. There must be accountability for the expenditure of public money. She chose to set up a company and to have an agent negotiate on her behalf; but that does not mean as a consequence that her contractual outcome should be treated any differently from that of the people the ABC paid on a more regular basis.

As to the assertion that payment of large amounts in advance is normal, it is not relevant that such a practice is common in commercial broadcasting companies. We are talking about a public authority which, according to the ABC’s evidence, had had no precedent for an up-front payment clause except a previous contract also involving Ms Doogue. If Mr Erskine, the agent, who is quoted as saying the ABC often pays ‘in large chunks of money’ has any information which contradicts the ABC’s sworn evidence, I would very much like to be made aware of it.

Finally, I deal with Ms Doogue’s claim of political grandstanding on this matter. I remind her that this was not a reference which the Committee sought. In fact, I tried to resist it, because I objected to an Opposition senator using the Estimates Committee to push for juicy bits of information without apparent justification. We have still kept secret the actual sum but, having discovered the ABC acting in an irresponsible manner, the Committee would have been irresponsible itself to have ignored it. I was unwilling to be part of the baying at *The National* that was rampant at the time of the reference, and I have admiration for Geraldine Doogue’s professional abilities. I repeat that the Committee was critical of the ABC, not of her.

HOURS OF MEETING

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

That, unless otherwise ordered, the hours of meeting for the remainder of this day be till 6.30 p.m. and then 8.00 p.m. till 10.30 p.m.

DAYS AND HOURS OF MEETING

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

That, unless otherwise ordered—

- (a) The Senate, at its rising, adjourn till 2 p.m., Tuesday, 9 December 1986 and the hours of meeting for that day be as follows:

2.00 p.m.— 6.30 p.m.

8.00 p.m.—10.30 p.m.; and

- (b) The routine of Business for that day be as follows:
- (i) Petitions,
 - (ii) Notice of Motion,
 - (iii) Questions,
 - (iv) Formal Motions—Discovery of Formal Business, and
 - (v) Government Business, Notices of Motion and Orders of the Day, or vice-versa, as set down on the *Notice Paper*.

BANKING LEGISLATION AMENDMENT BILL 1986

Second Reading

Debate resumed from 15 October, on motion by **Senator Grimes**:

That the Bill be now read a second time.

Senator WATSON (Tasmania) (4.41) While the Liberal-National Party coalition supports the Banking Legislation Amendment Bill 1986, the Opposition urges the Government to reconsider its position concerning the continuation of funding for rural research and establish more positive guidelines for the provision of finance in that area. Recognising that over half of the profits from the Rural Credits Department of the Com-

monwealth Bank of Australia are directed to rural research, the Opposition moves the following amendment to the motion:

At the end of the motion, add:

“, but the Senate expresses its concern that the Government has not made alternative arrangements for replacing the funds normally generated for rural research from the activities, now to be phased out, of the Rural Credits Department of the Reserve Bank”.

The legislation before us this afternoon effectively winds down the operations of the Rural Credits Department of the Reserve Bank of Australia, a department that has been in operation for over 61 years. It was established to meet the seasonal funding requirements of primary produce authorities and co-operatives. I stress the words to finance ‘primary produce authorities and co-operatives’, because I think it is significant that anybody listening to this debate is not under the misapprehension that this Bill is taking away a source of finance to farmers in conducting their ordinary primary producing occupations.

The Bill essentially sought, in its early days, to provide short term seasonal finance to the rural produce marketing organisations. It was directed at facilitating the orderly marketing of primary products. However, following the deregulation of financial markets, this has enabled the bulk of the seasonal funding requirements to be fulfilled in recent times through commercial sources. As Rural Credits Department funds are available at market-related prices, the Department has had a much reduced role in recent years, but in the early days the interest rates at which finance was provided were lower than the market rates, in effect creating an element of subsidy in the operation of the Department. Traditionally the largest borrower from the Rural Credits Department has been the Australian Wheat Board, which has typically accounted for up to 75 per cent of the loans advanced. However, since 1982 the Australian Wheat Board has ceased to rely on the Rural Credits Department for funds and now fully meets its seasonal finance requirements from commercial sources.

This legislation is initiated as a rationalisation measure on the advice of two significant committees—the Campbell Committee of Inquiry into the Australian Financial System and the Martin Review of the Australian Financial System—which recommended the winding down of the Rural Credits Department as they believed that changes in the financial markets had left the Department somewhat obsolete and maintained that the assistance currently given to the rural sector could be provided just as effectively by

alternative means which would cause less disturbance to the efficient operation of the financial system. The Rural Credits Department has, in the past, played a significant role in the provision of credit for Australia's rural sector. However, as I mentioned earlier, the Department has been superseded and really no longer fulfils any necessary function. The Opposition, therefore, supports this legislation and recognises the need for the rationalisation of government operations of this nature.

A major problem facing the farming community—namely, the attainment of financial provisioning at ‘affordable interest rates’—is highlighted by this legislation. The need for loan finance at reasonable interest rates is especially vital to the rural sector, although naturally other non-farm areas of the economy are adversely affected by high interest rates. So the present economic climate will, by no means, encourage farmers and businessmen alike to invest in the future.

I wish to point out that these Australian farmers are, at the same time, battling against low world commodity prices, high fuel costs and incentive-crushing taxes, not to mention the drought conditions that have plagued much of the country. So record high interest rates are a burden which the farmers have to bear, given the present economic conditions. The artificial component of the current interest rate levels has been estimated to be between five and six percentage points. We, on our side, have to acknowledge that the Hawke Government's macroeconomic policies are placing huge strains on our primary producers when the cost burdens on all industries are inflated in this manner. At the same time, despite all the huff and puff about tax relief, I remind listeners that even after stage 2 of the promised income tax cuts Australians will be no better off than they were when the Labor Government came to power. Our tax burden over the last four years has lifted by over 60 per cent.

The aspect of the Banking Legislation Amendment Bill which is most troubling to the Opposition is the lack of commitment indicated by the Government in relation to future levels of funding for rural research. The Rural Credits Department traditionally provided an avenue for the supply of funds for on-farm research, in that half the profits made by the Department were actually ploughed back into the industry. For example, in 1986-87 this sum is estimated to be of the order of \$3m. What we are talking about here is not an inconsequential amount. The Minister for Immigration and Ethnic Affairs and Minister Assisting the Treasurer (Mr Hurford)

stated in his second reading speech that the Government would 'give consideration to supplementing funds available for rural research in future years' as the Rural Credits Department's operations are abolished.

We believe that is a fairly woolly commitment. The coalition is concerned by the Government's failure to indicate in what manner finance for research will be supplied and how such a sum will be determined. Therefore, whilst we do not decline to give this Bill a second reading, we in the Opposition are concerned that the Government has not openly made alternative arrangements for replacing the funds normally generated for rural research from the activities, now to be phased out, of the Rural Credits Department of the Reserve Bank.

Research relevant to Australia's agricultural sector is vital to improving the efficiency and international competitiveness of the country's rural sector. One of the principal ways in which living standards can be raised is through growth in productivity, which in turn can be greatly attributed to scientific research. The cost benefits which such developments can produce are considerable and vital to the welfare of Australia as a nation whose livelihood is inextricably linked to the state of its primary industry.

According to the Standing Committee on National Resources, the rural industries feel frustrated at the lack of clear Commonwealth policy on and commitment to rural research. It expressed alarm that, although funds for research are necessary for the agricultural sector to continue to contribute to the national economy, support by the Commonwealth for development in this area has been declining in real terms. The present lack of commitment by the Government in respect of future funding, in light of the demise of the Rural Credits Department of the Reserve Bank, can be seen as a step backwards for rural research, given that there is no future commitment on alternatives. This failure to give an adequate undertaking about the gap in funding, which is left by the abolition of the Rural Credits Department, should not be tolerated. The Commonwealth is a major provider of financial support in the area of much agricultural research. Of course, much of this agricultural research is unattractive to the private sector because of its high risk and its likely low return to the investor. However, it is maintained that rural research produces substantial benefits to the community at large—far above that which it produces for the agricultural sector. Many smaller industries have been especially reliant on the

Rural Credits Department for research finance. It is particularly important that the Government maintain a minimum amount of funding for agricultural development.

In conclusion, it is interesting to note that the Senate Standing Committee determined that, due to the importance of Australia's farming industries, and to the high return that research produces, 'attempting to save relatively small amounts of money from the research budget is a false economy'. I call upon the Government to make clear how it will finance this continuing commitment of the order of \$3m to rural research, given the winding down of the Rural Credits Department of the Reserve Bank. Vague references to supplementing funds or expecting more funds for research in the future are not good enough for the Senate. That is the reason for the amendment that I have moved on behalf of the Opposition.

Senator HAINES (South Australia—Leader of the Australian Democrats) (4.54)—The Banking Legislation Amendment Bill 1986, which seeks to close the Rural Credits Department of the Reserve Bank of Australia, follows the decreased role of the RCD in rural financing and also follows the recommendations of the Campbell Committee of Inquiry into the Australian Financial System and the Martin Review of the Australian Financial System. Essentially what seems to have happened is that the role of the RCD has been rather overtaken by events. By 1986 outstanding Rural Credits Department loans had fallen to about \$18m. The Department's major borrower, the Australian Wheat Board, has for the last five years relied not on the RCD but on normal commercial banking channels for its funding. At the same time the relationship between the Rural Credits Department and its remaining borrowers has assumed a more normal commercial banking character in its own right. In these circumstances it seems to most people in this chamber that there is very little justification for the continuation of that Department.

However, having said that, I want to make it quite clear that I do not wish those remarks to be taken as an indication that I am or want to be aligned with those people who support the demise of the RCD because they espouse a zealous commitment to financial deregulation. Certainly the Campbell and Martin committees have been influential in restructuring the Australian financial system. Nobody would deny that; in many ways it was long overdue. I think we would all agree that, on balance, the results of that restructuring have been generally beneficial.

But there are too many people in the community who seem to believe that financial deregulation is a panacea for all the problems that we face, either nationally or internationally, and that is simply not the case. It is worth reminding people that nor does a deregulated financial market mean an absolutely unregulated financial market. That would simply produce chaos. The two things ought not to be confused, as they are sometimes in the minds of some people.

What deregulation signifies, or ought to signify, is a change in the extent and manner of government management of the financial system. I hope that nobody would suggest that there is not a place for governments in the management of the financial system in a country such as ours. For example, it is relatively common knowledge, although I have to acknowledge that one vocal economic reformer of my acquaintance seems to be unaware of the fact, that the Reserve Bank has for some time been supporting the Australian dollar through trading in the money market. The Australian Democrats certainly support that intervention. Of course, the Government also manages interest rates through a variety of mechanisms, including putting a ceiling on home loan interest rates—although from time to time it has been known to buy off the private banking sector in order to achieve that, or at least to avoid a blowout in home loan interest rates. Judicious intervention is obviously necessary and will remain necessary if the financial system is to serve the range of social goals that are a necessary element of the sort of society in which we live. Some of those goals are clearly not achievable simply through the operation of free market forces where the major criterion seems to be the survival of the fittest and too bad for everyone else.

One spin-off from the RCD operation was the support of rural research which stemmed from the fact that about one half of the Department's profits was applied to this purpose. The Minister for Community Services (Senator Grimes), in the second reading speech, announced that consideration will be given to supplementing funds available for rural research in the future as the funds available from the RCD phase out. During Question Time earlier today, the Minister for Industry, Technology and Commerce, Senator Button, acknowledged that it is necessary to provide funding for rural research, and funding in different areas from the direction in which it has been applied in the past. More than simple consideration needs to be given to this if we are to apply rural research funding in the best possible way and get our rural sector out of the

problem situation that it is currently in—not necessarily totally as a result of the behaviour of this Government, but because of actions and decisions made by previous administrations and, of course, because of recent actions undertaken by administrations in other countries. For example, the Government could use part of the \$140m capital and reserves of the RCD, which it intends to distribute to the Reserve Bank, to establish a rural research foundation. I suggest that \$20m invested at present rates would provide roughly the research income provided by the RCD in 1985-86.

I repeat that the Democrats hope that the Government will do more than simply give consideration to maintaining the rural research funds. We trust that, by supporting this legislation, we and the Opposition parties, who, quite appropriately, will not oppose it, will not be seen in the future to have unwittingly abetted simply a reduction in rural research. Unfortunately, of course, governments have a habit of not following their consideration of an issue with action on that issue. Certainly, details have not been recently given, announced or even leaked which would indicate what alternative arrangements are being considered, contemplated or made to replace research funding lost through this legislation as a result of the phasing out of RCD. It is for that reason that the Australian Democrats will be supporting Senator Watson's amendment to the second reading motion which does not, of course, interfere in any way with the effect of the legislation but which gives the Senate the opportunity—rather appropriately, I think—to express its concern that the Government has not made alternative arrangements for replacing the funds normally generated for rural research from the activities, now to be phased out, of the Rural Credits Department of the Reserve Bank.

Senator GRIMES (Tasmania—Minister for Community Services) (5.01)—I thank honourable senators for their support for the legislation. Speakers both for the Liberal Party and the Australian Democrats have expressed concern, as the amendment does, about the replacement of funds normally generated from the Rural Credits Department, which this legislation seeks to phase out, of the Reserve Bank of Australia. The Government, as I think Senator Watson conceded, has expressed its awareness of this situation. It is my understanding that the Minister for Primary Industry, Mr Kerin, will be bringing a submission to Cabinet on this matter. In the meantime the \$3m available from this year will still be available. I can only assure honourable senators that we are aware of the

need to maintain assistance for research. We were certainly aware of this when we introduced this legislation. We are sure that Senator Haines and Senator Watson will make sure that we continue to be aware of it. I thank honourable senators for their support.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

ABC/SBS AMALGAMATION BILL 1986

Second Reading

Debate resumed from 18 November, on motion by **Senator Grimes**:

That the Bill be now read a second time.

Senator LEWIS (Victoria) (5.04)—The Opposition parties are opposed to the Government's proposal that the Special Broadcasting Service be absorbed by the Australian Broadcasting Corporation. The Opposition parties, however, believe that the ideal goal would be to have one national broadcaster. But the condition of the ABC at present is such that that ideal could not possibly be achieved without the SBS and its viewers being very substantial losers. It would rather be like a slow lumbering elephant swallowing up a lean efficient greyhound. All the evidence suggests that the ABC is not currently in a position to absorb the SBS. There would be no overall cost savings and amalgamation could result in increased expenditure and reduced service to SBS viewers.

The SBS is a modest, efficient and cost effective organisation now operating on a shoestring budget in sharp contrast to the ABC which is beset with problems. The SBS was created by the Fraser Government which believed that multicultural broadcasting was needed and that the ABC was both unwilling and unable to provide it at that time. The report of the Dix Committee of Review of the Australian Broadcasting Commission has shown that it is still in that condition and the report of the Connor Review of the Special Broadcasting Service told the Hawke Government last year that this was still the case. The Connor report thought that the question of creating one national broadcaster, whether by merger or otherwise, should wait until 1990. The inquiry based that view partly on the ABC's admission that it had its own problems—massive ones, I might add—in improving operations and that it did not want further change before it had

completed its own restructuring. The Government correctly accepted that advice at that time.

Evidence given at Senate Estimates committee hearings over the past two years and the devastating finding of the Auditor-General almost certainly confirm that 1990 was the earliest possible date for re-examination. We now have the views of Mr David Hill, the new Managing Director of the ABC. He said recently that the ABC has more problems than any other organisation with which he has been involved. He also said that what the ABC needs most of all is a period of consolidation.

The Government has had one of its characteristic sudden rushes of blood to the head and decided in a sudden and unexplained reversal to ignore those recommendations. I suspect, as happened in a case earlier today, that the Minister for Communications (Mr Duffy) has once again been rolled by Cabinet and has had his advice ignored because of what seemed to Mr Keating and Senator Walsh to be a good idea at the time. Senator Walsh seems to be following his colleague Senator Evans in saying: 'This will be a good idea. It will at least look like we are doing something about the Budget deficit'. The idea was to try to hoodwink—

Senator Walsh—The opportunists in your party rolled you.

Senator LEWIS—Call him into line, Mr Acting Deputy President. We are not going to have Senator Walsh going on like that in this chamber and misbehaving.

The ACTING DEPUTY PRESIDENT (**Senator Jones**)—Order! The Minister will refrain from interjecting.

Senator LEWIS—Thank you, Mr Acting Deputy President. Senator Walsh's idea was undoubtedly to hoodwink people into believing that the Hawke Government was doing something about its massive deficit. All of the available evidence suggests that both the SBS and its viewers would be disadvantaged at present by the proposed merger. The Government has now entered into a massive propaganda exercise to sell this merger on the ground that it could no longer afford a separate SBS and the only road to retention of multicultural programs would be a merger with the ABC. Of course, that is not acceptable. Because of the Government's sudden and unexplained reversal which appears to ignore all the reports and the expert advice to the Government, the only proper solution is for there to be an examination of the real reasons for proposing to amalgamate the ABC and the SBS.

The Opposition will be moving an amendment that the Bill be not read a second time—that is a clear rejection of the Bill; that the Standing Committee on Education and the Arts report on the Government's reasons for proposing the amalgamation; and that the merger not proceed without explicit legislative authority. I would like Senator Walsh to respond to the concern that the Government may proceed to amalgamate these bodies without legislative authority. Accordingly, our amendment includes the demand that the merger not proceed without that authority. I move:

Leave out all words after "That", insert:

- "(a) this Bill not be read a second time;
- (b) a merger of the ABC and the SBS not proceed without explicit legislative authority; and
- (c) the Standing Committee on Education and the Arts report on the Government's reasons for proposing to amalgamate the ABC and the SBS".

Senator VIGOR (South Australia) (5.10)—The ABC/SBS Amalgamation Bill 1986 is a thorough disgrace. It shows us what long term planning means under this Government. On 25 March the Government announced that the Special Broadcasting Service was to be replaced by a Special Broadcasting Corporation from 1 July 1987. The Corporation was to co-operate closely with the Australian Broadcasting Corporation in the provision of programs and the sharing of resources. It was to get greater flexibility over staffing matters, programming policies and administrative arrangements much more than the SBS had been allowed. This decision was welcomed by those interested in multicultural broadcasting. There was a feeling that the Government was about to improve upon the Fraser Government's initiative from just before the 1980 election. Yet the day after the Government's announcement senior ABC officers were letting all and sundry know that they expected to get the numbers in Cabinet for a takeover of SBS within six months. Sure enough, that is exactly what came to pass shortly before the Budget came down. There was a red herring thrown into the Budget Speech of the Treasurer (Mr Keating) which was repeated at regular intervals by Government sources. On 19 August Mr Keating said:

Gross savings from shared facilities, accommodation, equipment and administration in the amalgamated organisations should be about \$2m in 1986-87 and much greater in . . . future years.

This claim has in fact been exposed as patent nonsense in the Estimates Committee proceedings but it still gets trotted out from time to time by people in the Government. In fact the

explanatory notes for the Department of Communications had a little insert to the effect that \$1m had been sliced off both the ABC and SBS budgets at the last moment. The former ABC Managing Director, Geoffrey Whitehead, explained the whole budgetary process this way when he made his opening statement at the Estimates Committee C hearing:

I would like the Committee to note that the figures were compiled in the expectation that we would receive an appropriation of \$418m and when we were advised of a further \$5m reduction we had only a matter of hours in which to accommodate this in the booklet.

The sum has therefore been arrived at in this booklet by spreading the \$5m on a pro rata basis across all salary codes. Since that has been done we have been advised of a further expected saving of \$1m resulting from the amalgamation of the SBS and the ABC, but this has not yet been reflected in the figures.

I made a point of following up the so-called savings during the Estimates Committee proceedings. Neither the Treasurer, the Prime Minister (Mr Hawke) nor the Cabinet could shed any light on the matter. The Acting Secretary to the Department of Communications had this to say:

I think the savings envisaged by the Government in the decision were really projected for the future; they are not savings of immediacy in relation to this year's proposed appropriations.

Mr Roger Smith from the Department's Broadcasting Policy and Planning Division was just as sceptical. He said:

The two organisations concerned have been advised that that is the element of savings that is believed to be possible, and they now have to take that into account in the activities they undertake. Presumably at the end of the year, after having made all the efforts they can to achieve those savings, they would be able to report on whether they had been able to or not.

In a written reply the ABC let the Senate know in October:

It has not yet been possible to cost accurately possible savings from the amalgamation. It is clear, however, that savings are more likely to be achieved in the long term rather than in the short term.

Both the ABC and the SBS are actively attempting to order their affairs to achieve savings as soon as possible so that they can live within their 'tight' 1986-87 Budget allocation.

Senator Walsh thought it was a policy question. Basically the Government had removed an extra \$1m from each budget. Everything was done on the run, as happens so often with this Government in important decisions. The fact that the SBS had its overseas purchasing contracts at a standard rate in Australian dollars was not considered. A larger organisation might be asked to pay a fair bit more if it could still get access to

some of the material which the SBS has managed to get because of its poor, almost mendicant, status. We also have to remember that the ABC's contracts are in overseas currency so we get a mention of exchange rates supplementation when the Australian dollar weakens. On top of this, the far more expensive staffing structure of the ABC gives us something to worry about. Indeed I would support Senator Lewis in his contention that it is very much like an elephant swallowing a greyhound, although the metaphor really does leave something to be desired.

The SBS is really a lean organisation which I would like to commend. By the time savings actually appear, the spirit of multiculturalism and innovation might have been snuffed out in all of these proposals. The major problem is that this legislation proposes a new organisation which in no way will satisfy the needs of either of the groups of viewers that we have. In fact the ABC would gain an extra television channel and the 2EA and 3EA radio stations would be on their own and probably not supervised in a very effective way. The television channel would probably eventually be taken over in a number of ways by non-ethnic directed programs. The same type of thing would happen to multiculturalism in our media, as has happened to education, which the ABC was given a charter to handle.

The moment this merger was announced the Australian Democrats tried to get an effective legislative framework on which to base the SBS, because the SBS currently is on fairly dicey ground. It does not have an Act of its own in the same way as the ABC does. We believe that the two organisations should be independent. We will be voting against this Bill by supporting the Opposition's amendment, which removes all words after "That" and inserts words to the effect that this Bill be not read a second time; that the merger should not be carried out by any other means; and that the reasons that the Government gave for this merger should be investigated by the Senate Standing Committee on Education and the Arts. The Democrats feel that that Committee should also look at the proposals and that the Senate should look at the proposals which were put forward by the Democrats in the Independent and Multicultural Broadcasting Corporation Bill 1986, which was put before the Senate on 24 September 1986.

I seek leave to have called on forthwith orders of the day relating to the consideration of the Independent and Multicultural Broadcasting Corporation Bill 1986 and the Independent and

Multicultural Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Bill 1986, for consideration of those Bills together with the ABC/SBS Amalgamation Bill at every stage, and for the questions with regard to the several stages of the passage through the Senate of the Bills to be put separately in respect of each Bill.

Leave not granted.

Senator VIGOR—I am very disappointed that we cannot discuss the really important aspects of giving an independent legislative base to the Corporation, which will guarantee its continued independence. This proposal was based on the Connor Committee of Review of the Special Broadcasting Service which recommended an independent SBS and which the Government, in proposing this Bill, has gone completely against. It is highly disturbing that the Government should put on these types of committees and spend money on committees such as the Connor Committee and the Jupp Committee of Review of Migrant and Multicultural Programs and Services and then ignore the recommendations. This is exactly an example of the Government ignoring those recommendations. I commend to the Senate my private member's Bill.

I would now like to come to the latest annual report of the SBS, which also makes it clear that co-operation and co-ordination between the SBS and the ABC can be fostered through the ABC-SBS Steering Committee which has been operating for two and a half years. Duplication can be avoided between the two organisations through co-operation. It does not require the removal of the independence of SBS to do this. The mechanisms are already in place to co-operate over resources, staffing and facilities without destroying the identity of SBS. The SBS, I believe, should be commended for the way in which it extends its budget through joint production ventures and so on. In television it reflects the many strands of Australian life and it opens a window to cultures and countries with which we are not very familiar. In radio it provides useful information to communities. It is a link for the older people of various ethnic origins back to their own countries and their own cultures. That role needs to be strengthened by the program packaging unit which prepares news and current affairs material for Australia-wide public radio dissemination. I believe that it is important to extend the SBS beyond its current area by offering some type of service which could be broadcast as part of that offered by other broadcasters.

It is very important that SBS retains the vitality with which it started and provides the efficient services which it has uniquely carved out for itself. It has a clear and deserved place in the broadcasting system.

At one stage the Minister for Communications (Mr Duffy) raised the chestnut of expansion of multicultural services to regional Australia. His Department should be aware that in those areas where band two clearance is happening and second regional radio network facilities are going in UHF television service can be provided at around 10 to 15 per cent marginal costs. Most of the infrastructure, apart from the transmitter, is provided as a result of the band two and second regional radio network activity. There is no excuse for services not being extended. When I put this proposition to the ABC in Estimates Committee C, I received a very cagey response that neglected television altogether. No additional transmitters were proposed to carry the current EA services of SBS. I quote from further along in the answer:

The board of the ABC had agreed that stations of the second regional radio network might carry some multicultural information material in those regions where there were significant numbers of ethnic listeners.

It needs to be remembered that the ABC's failure to embrace multiculturalism or even to talk sensibly about it to communities led the Fraser Government to establish the SBS. The type of unimaginative answer I have just dealt with stresses the importance of the independence of the SBS. Other Estimates Committee material shows just how little has been done to improve SBS reception in Sydney and Melbourne in recent years. I commend this Government for extending television services to other capitals and regional centres, but it remains a fact that no money has been spent in Sydney and Melbourne since 1983-84 even on rearranging the UHF transmitting antennas. Only \$165,000 was spent on in-fill translators in these capitals between 1981-82 and 1985-86. Further funds are being made available this year and the next, at long last. I believe the Government should be congratulated on this. Quite a deal more work needs to be done so that more people actually have access to the SBS television programs.

In summing up, there is no merit in allowing the ABC to take over the SBS. There would not be \$2m in savings this year from a merger under any type of model that we have been able to get. Such savings can only come by government decree and that will result in decreasing of services. If the Government and the Department of Communications show some initiative SBS tele-

vision services can be extended relatively cheaply to various regional areas. On past performance the initiative and imagination are likely to be lacking. However, there is possible hope. Ideally we should be giving SBS radio and television a chance to bring the world back home over the whole of Australia. That would require a statutory charter which brings some guarantee for its future. A responsible government would do that, and I commend the Government to pick up my Independent and Multicultural Broadcasting Corporation Bill and to modify it to suit its particular policy needs so that we can have a strong and independent SBS which will actually serve a strong independent Australia. The Democrats, as I said, will be supporting the Opposition's amendment which rejects the Bill and the concept of a merger and refers the whole idea to a committee to try to establish what reasons the Government had for this merger, because no satisfactory explanation for this merger has been given.

Senator SHORT (Victoria) (5.27)—I rise briefly to support the comments of my colleague Senator Austin Lewis who led for the Opposition in this debate and in particular to support the amendment that he moved on behalf of the Opposition, which reads as follows:

Leave out all words after "That", insert:

- "(a) this Bill not be read a second time;
- (b) a merger of the ABC and the SBS not proceed without explicit legislative authority; and
- (c) the Standing Committee on Education and the Arts report on the Government's reasons for proposing to amalgamate the ABC and the SBS".

The reasons for the Opposition's opposition to the amalgamation of the Australian Broadcasting Corporation and the Special Broadcasting Service as proposed by the Government are fairly clear and fairly simple. The basic reason is that, whilst in the longer term we support the concept that it may well be an appropriate thing for both organisations to be merged, if that is going to be done it must be done in a carefully thought out and rational way and for reasons associated with the overall well-being of both organisations, in particular the SBS. The problem with this proposition is that it has been undertaken purely for budgetary reasons. It was announced as a Budget measure in August. In the second reading speech that was made quite clear when it was said by the Minister for Communications (Mr Duffy) that the decision to amalgamate the two broadcasting organisations was announced by the Treasurer (Mr Keating) in his Budget Speech

and that, accordingly, the Government saw the amalgamation as a Budget related matter.

We on this side of the Senate have constantly argued the need for restraint in government spending and for government savings wherever possible, but we believe that, if that is going to be undertaken, it has to be undertaken on a rational basis and with regard to the particular programs, organisations and projects involved. The heavy-handed way in which the Government has proceeded with this proposal is, we believe, contrary to the longer term interests which both the Government and the Opposition, I assume, would see as in the interests of the ethnic communities of Australia and is contrary to the interests of an Australia which, whilst giving full allowance for and recognising the value of a mixture of cultures and the multicultural nature of our society, at the same time wishes to be a society which has common values and a common attitude towards the world. It is quite possible to have that combination of a multicultural approach and acceptance of different cultures and values in our society, whilst at the same time have a commonality of interests and attitudes within our nation.

This amalgamation proposal is the latest in a number of heavy-handed attacks the Government has made on ethnic communities in Australia. We had the abolition of the Institute of Multicultural Affairs; the major cuts—admittedly they have been reversed to some extent now, but only under pressure—to the English as a second language program, which I believe is a critical program of value to the Australian community; and now the amalgamation of the SBS. It has all come together in a way that I think is greatly resented by most of the ethnic communities in Australia. I think that is bad for Australia and is, therefore, bad government.

The Government has argued that there will be cost savings from the merger in the longer term, but the short term savings are very dubious indeed. If there had been going to be significant cost savings this year, one may have taken a different attitude towards the proposal, but to have a Budget measure put forward with virtually no savings in the short term seems to be a rather extraordinary state of affairs. The question of the SBS and its relationship to the ABC has been the subject of examination over several years. We had the report of the Connor Review of the Special Broadcasting Service which was commissioned by the Government to look at the financial matters affecting both. That report did not recommend a merger of the SBS

and the ABC. While in the longer term the Connor Review did consider this as a desirable objective, it certainly did not in the short term. The Connor report recommended:

... the first priority is to establish a statutory authority better designed than the SBS to develop a more effective ethnic radio and multicultural television service.

We recommend that the ABC and the new Multicultural Broadcasting Commission should increase co-operation between them, sharing resources, co-ordinating program planning and exchanging personnel.

We recommend that the Government should appoint a further inquiry in 1990 of both the ABC and the MBC with a view to considering their integration. In the meantime, both organisations should be encouraged to work towards the aim of a single national broadcasting authority—

I add: But to work towards the aim of it as a longer term objective. That is an objective that I and the Opposition fully endorse. Both the coalition and, until the August Budget, the Government endorsed these recommendations. The rationale for the recommendation against an immediate merger has been clearly put on various occasions. The Price Waterhouse report on the amalgamation put it as follows:

... administratively difficult, requiring short term legislative solutions and producing only limited benefits. It would be difficult for the ABC to effectively absorb the SBS at this stage.

The recent report of the Jupp Review of Migrant and Multicultural Programs and Services did not go over the same ground as earlier reports; nevertheless it strongly endorsed the view that the ethnic and multicultural media are vital to the establishment of multicultural and migrant services in Australia. Reservations about the merger of the ABC and the SBS have been voiced by a large range of people in the community, not just by the ethnic communities, but also, for example, by members of the Government. Senator Childs, for example, was reported in the *Sydney Morning Herald* of 4 September as saying:

The ABC is not ready for the merger, and there is certainly strong across-the-board opposition to it.

In essence, the reservations for the Government's budgetary decision to merge the ABC and the SBS are that the principles of moderation and careful planning necessary for a successful merger have been ignored. In the annual report of the SBS tabled earlier this week, on 3 December, Sir Nicholas Shehadie, in his letter to the Minister for Communications conveying the report, summed up the relationship between the SBS and the ABC in the following way:

The SBS maintains an open approach in the mutual co-operation of the two organisations, seeking to maximise a sharing of human and technical resources while at the same time retaining each organisation's distinctive qualities.

That is certainly the concern the Opposition has at this time about a merger of the two organisations as proposed by the Government. We are not convinced that either organisation, but particularly the ABC, is in shape to allow that amalgamation to go on in a way which will preserve the unique qualities and values that the SBS has portrayed to date. We all know that there has been great concern about various aspects of the ABC's activities over many years. Criticisms have been levelled at it for many years on a whole variety of grounds of efficiency, program balance, bias or lack of bias, and the like. I think the great problem is that with this legislation we have a proposal going forward to try to force-feed the ABC into taking more of an interest in multicultural television in particular when for more than 20 years as an organisation the ABC was derelict in its responsibilities in the multicultural and multilingual areas. Perhaps if it had done its job there would have been no need in the first place for a separate national channel. The SBS was created and, once established, it came closer, despite all its shortcomings, to the ideal of what a national broadcaster might be than had the ABC for a long time.

If the Government had really wanted to save money with this latest proposal, perhaps it should have merged the ABC into the SBS, and not the other way round. That is the view of the Federation of Ethnic Communities Councils of Australia Inc. which, in a news release of 18 November, expressed and re-endorsed its very strong opposition to the merger. It said:

Given the track record of the ABC, the Conference—that is, the Conference of the Federation of Ethnic Communities Councils—

expressed its lack of confidence in the Corporation as the vehicle for effective communications with all Australians, and particularly those of non-English speaking backgrounds.

If the Government wants to improve the ABC let it do so—but not at the expense of the much more efficient SBS.

I think that sums up very well also the Opposition's concern about the proposal at this time. There may not be major differences between the Government and the Opposition on the longer term view of the relationship between the SBS

and the ABC, but the short term situation is a very different one. It is one of great concern to the ethnic communities and we fully understand the concerns they have. It is for that reason that we oppose the Government's proposal and it is for that reason that we have moved the amendment we have. We must get the ABC right first. This proposal simply puts the cart before the horse.

Debate (on motion by Senator Grimes) adjourned.

SELECT COMMITTEE ON TELEVISION EQUALISATION

Membership

The ACTING DEPUTY PRESIDENT (Senator Jones)—I have received letters from the Leader of the Government, the Leader of the Opposition in the Senate and the Leader of the Australian Democrats, nominating Senators Aulich, Giles, Lewis, Powell, Puplick, Ray, Richardson and Sheil to be members of the Select Committee on Television Equalisation.

Motion (by Senator Grimes)—by leave—agreed to:

That Senators Aulich, Giles, Lewis, Powell, Puplick, Ray, Richardson and Sheil, having been duly nominated in accordance with the Resolution of the Senate of 4 December 1986, be appointed members of the Select Committee on Television Equalisation.

JOINT COMMITTEE ON PUBLIC WORKS

Suspension of Standing Orders

Motion (by Senator Grimes)—by leave—agreed to:

That so much of the Standing Orders be suspended as would prevent the Joint Committee on Public Works meeting during any sitting of the Senate during the week commencing 8 December 1986.

ABC/SBS AMALGAMATION BILL 1986

Second Reading

Debate resumed.

Senator WALSH (Western Australia—Minister for Finance) (5.42)—The Special Broadcasting Service started off as a Malcolm Fraser political stunt in 1978 and the Howard stunt of 1986 is to prevent its merger with the Australian Broadcasting Corporation—or at least the Opposition believes it will prevent the merger. The fact is that the Opposition's attitude is dictated by blatant and absolutely unbridled opportunism and for no other reason whatsoever. At the most there are two or three other countries in the world which have one national broadcasting service which is 100 per cent taxpayer funded.

In Australia, ever since Malcolm Fraser started this stunt in 1978, we have had two. The Government has made the judgment that Australia cannot afford two 100 per cent taxpayer funded national broadcasting services. The Opposition knows that very well. The great majority of people in the Opposition agree with the Government about this but they have taken their cue from the unbridled political opportunism of their insecure temporary Leader.

It has been said that there will be little savings in the short term. That is, of course, correct. If I may say so, it is a great tribute to this Government that it is willing to take a decision that needs to be taken, even though there are few savings in the short term. We take a longer term view. It is true that there are small savings in the short term, but there are large savings in the longer term and if the Opposition were to get away with what it wants to do here, the property adjustments and facility relocations which are required in both the ABC and the SBS would be stalled. Decisions which need to be taken now—rational decisions about location, property acquisition, property disposal and so on—will all be stalled, and the efficiency of public broadcasting, both the ABC and the SBS or an amalgamated body, or the provision of that service, will be very severely hampered and made much less efficient than it could and should be because the Opposition has stalled in this way.

I return to the amendment, which, of course, the Government will not accept. Paragraph (b) says:

a merger of the ABC and the SBS should not proceed without explicit legislative authority;

I was asked by Senator Lewis, I think it was, whether the Government intends to proceed with the amalgamation by other than legislative means. The answer is that that is still being studied by the Government and the Government's decision will not be influenced in the slightest by that cheeky demand in paragraph (b) of the second reading amendment, whether it is carried or not. That demand will be treated with the contempt it deserves. The third paragraph says:

the Standing Committee on Education and the Arts report on the Government's reasons for proposing to amalgamate the ABC and SBS.

That is another political stunt. If that is carried, as I understand the Standing Orders of the Senate such a reference would have to go to the Committee notwithstanding the fact that there is great difficulty in getting people to serve on committees for the references that already exist. It is difficult to get people to turn up to meet-

ings. When I look at that demand, and even more when I look at the reference to the Standing Committee on Finance and Government Operations of the Sales Tax (Exemptions and Classifications) Amendment Bill as a result of a decision yesterday by the Senate—a Bill that does not tax anything that was not previously taxed, has no revenue implications whatsoever but just seeks to make the definition of what is taxable clearer than it presently is—and when the Senate decides to send off such puerile references on matters of such monumental unimportance as that, it is clear that the Senate has more money and resources than it knows how to spend sensibly. I have taken that point. I will bear it in mind when approaches are made for supplementary appropriations and I will also bear it in mind when the Appropriations in the 1987 Budget are being determined.

Senator Archer—Is that a threat?

Senator WALSH—Senator Archer asked me whether that was a threat. I am primarily responsible for the expenditure of public money in this country and when the Senate has sufficient resources to send such puerile references off on matters of such monumental unimportance as that sales tax Bill, as a responsible Minister in this Government I will examine the implications of that because the obvious conclusion is that the Senate has more money than it knows how to spend sensibly. That is something which I, as Finance Minister, cannot defend.

Senator Lewis—It is the cheapest way of conducting any form of inquiry.

Senator WALSH—But there is no need for an inquiry, as Senator Lewis well knows. He is a sensible man when he actually gets around to looking at issues. I know that he does not always appear to be sensible because he has to obey orders that come from above. If Senator Lewis had a look at this matter I am sure that he would agree with me.

I am not sure whether the amendment will be carried. There was some talk of there being some defectors among the Opposition ranks, among people who know that this is a very sensible proposition. I do not know whether they will defect, but certainly the Government will not accept the amendment.

Question put:

That the words proposed to be left out (**Senator Lewis's** amendment) be left out.

The Senate divided.

(The President—Senator the Hon.
Douglas McClelland)

Ayes	30
Noes	28

Majority	2
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AYES

Archer, R. B.
Baume, Peter
Bjelke-Petersen, F. I.
Boswell, R. L. D.
Brownhill, D. G. C.
Carrick, Sir John
Chaney, F. M.
Collard, S. J.
Crichton-Browne, N. A.
Durack, P. D.
Guilfoyle, Dame Margaret
Haines, J.
Hamer, D. J.
Jessop, D. S.
Kilgariff, B. F.

Knowles, S. C.
Lewis, A. W. R.
MacGibbon, D. J.
Macklin, M. J.
Messner, A. J.
Parer, W. R.
Powell, J. F.
Puplick, C. J. G.
Reid, M. E.
Sheil, G. (Teller)
Short, J. R.
Vanstone, A. E.
Vigor, D. B.
Walters, M. S.
Watson, J. O. W.

NOES

Aulich, T.
Black, J. R.
Button, J. N.
Childs, B. K.
Coates, J.
Coleman, R. N.
Colston, M. A.
Cooney, B.
Elstob, R. C.
Evans, Gareth
Foreman, D. J.
Georges, G.
Gietzelt, A. T.
Giles, P. J.

Grimes, D. J.
Jones, G. N.
McClelland, Douglas
McIntosh, G. D.
Maguire, G. R.
Morris, J.
Ray, Robert
Reynolds, M.
Richardson, G. F.
Robertson, E. A. (Teller)
Ryan, S. M.
Sibraa, K. W.
Walsh, P. A.
Zakharov, A. O.

PAIRS

Hill, R.
Alston, R. K. R.
Withers, R. G.
Teague, B. C.
Newman, J. M.
Baume, Michael

Bolkus, N.
Tate, M. C.
Crowley, R. A.
McKiernan, J. P.
Cook, P. F. S.
Devlin, R.

Question so resolved in the affirmative.

Question put:

That the words proposed to be inserted (**Senator Lewis's amendment**) be inserted.

The Senate divided.

(The President—Senator the Hon.
Douglas McClelland)

Ayes	30
Noes	28

Majority	2
--------------------	---

AYES

Archer, B. R.
Baume, Peter
Bjelke-Petersen, F. I.
Boswell, R. L. D.
Brownhill, D. G. C.
Carrick, Sir John
Chaney, F. M.
Collard, S. J.
Crichton-Browne, N. A.
Durack, P. D.
Guilfoyle, Dame Margaret

Knowles, S. C.
Lewis, A. W. R.
MacGibbon, D. J.
Macklin, M. J.
Messner, A. J.
Parer, W. R.
Powell, J. F.
Puplick, C. J. G.
Reid, M. E.
Sheil, G. (Teller)
Short, J. R.

AYES

Haines, J.
Hamer, D. J.
Jessop, D. S.
Kilgariff, B. F.

Vanstone, A. E.
Vigor, D. B.
Walters, M. S.
Watson, J. O. W.

NOES

Aulich, T.
Black, J. R.
Button, J. N.
Childs, B. K.
Coates, J.
Coleman, R. N.
Colston, M. A.
Cooney, B.
Elstob, R. C.
Evans, Gareth
Foreman, D. J.
Georges, G.
Gietzelt, A. T.
Giles, P. J.

Grimes, D. J.
Jones, G. N.
McClelland, Douglas
McIntosh, G. D.
Maguire, G. R.
Morris, J.
Ray, Robert
Reynolds, M.
Richardson, G. F.
Robertson, E. A.
Ryan, S. M.
Sibraa, K. W.
Walsh, P. A.
Zakharov, A. O.

PAIRS

Hill, R.
Alston, R. K. R.
Withers, R. G.
Teague, B. C.
Newman, J. M.
Baume, Michael

Bolkus, N.
Tate, M. C.
Crowley, R. A.
McKiernan, J. P.
Cook, P. F. S.
Devlin, R.

Question so resolved in the affirmative.

Original question, as amended, resolved in the affirmative.

PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 1986

Second Reading

Debate resumed from 12 November, on motion by **Senator Grimes**:

That the Bill be now read a second time.

Senator ARCHER (Tasmania) (5.58)—The Opposition supports the Protection of the Sea Legislation Amendment Bill which is designed to enable Australia's implementation of annexes III, IV and V of the International Convention for the Prevention of Pollution from Ships, generally known as the MARPOL Convention. The sea, which covers three-quarters of the world's surface, has for centuries been regarded as a receptacle for all waste and, while this may be ultimately so, it is now accepted that it cannot go on. Land based conservation consciousness was appreciated in the world far ahead of marine conservation. It is now here and we welcome the extension.

We are a maritime nation and the sea is vital to us, our security and our trade. With over 6,000 vessels a year visiting our ports, this legislation is significant. It covers prevention of pollution by packaged harmful substances, prevention of pollution by sewage and prevention of pollution by garbage. It ensures that compensation is available to persons who suffer oil pollution damage as a result of discharge from oil-carrying vessels. It also tidies up the

definition of tonnage for the purpose of collecting levies. The Opposition welcomes these improvements.

Australia's territorial waters encompass a far greater area than our land. With our Antarctic territorial lands and waters, we have coverage of the most enormous range of climatic conditions, vegetation and marine life imaginable. Our research has failed adequately to cover the responsibility this implies, although I pay tribute to the Commonwealth Scientific and Industrial Research Organisation divisions of oceanography and fisheries research and the Australian Institute of Marine Science in particular for the very valuable work they have done and have planned.

I find it absolutely imponderable that this Government should have cut by 25 per cent the allocation of funds for marine science research for 1986-87. The work being done on the Barrier Reef in the mangrove country and in drought prediction and so on is the best in the world. It is absolutely senseless to cut that funding. We need much more study into the effects of runoff pollution, interference with the breeding programs of the widest variety of marine life, other uses, habitations, and so on. In the meantime we accept that disasters at sea will always be a possibility, and we can never eliminate that. We can take steps to ensure the standards of vessels and the handling of their cargo. We can ensure that we establish an appropriate level of preventive measures for unnecessary pollution, and we can apply a level of penalties for breaches that will ensure satisfactory compliance. That is the circumstance in which the MARPOL Convention comes into effect. I support the Bill, and I give notice that I will not support the Australian Democrats' amendments as I believe that, on the one hand, they add nothing to the legislation and, on the other, they are covered by other legislation.

Senator VIGOR (South Australia) (6.02)—I rise again to express my continued concern at the Government's failure, in the Protection of the Sea Legislation Amendment Bill 1986, adequately to safeguard Australia's unique marine resources and environment under the International Convention for the Prevention of Pollution from ships, MARPOL, and particularly under our own supporting legislation. The Australian Democrats raised this matter last June, when the Protection of the Sea (Prevention of Pollution from Ships) Amendment Bill 1986 was debated in this place. The debate was short and nippy because the Government introduced the Bill for hasty consideration during the dying

hours of the session, on the ground that the Bill was urgent. I must report to the Senate that the Bill has not yet been proclaimed.

So much for urgency. It has done the same thing with this Bill. It has told me that it will not accept my amendments because the House of Representatives has already adjourned. I believe it is a deplorable misuse of the operations of the Senate for it to seek to stifle debate in the Senate on matters of importance by such petty pressures as the fact that the House of Representatives cannot be recalled. There is no need to recall the House of Representatives because I suspect—and I will be monitoring it—that this Bill will not be proclaimed by the end of next year.

Senator Macklin—Like the last one.

Senator VIGOR—Exactly like the last one. This week a number of controversial Bills have been hurried through the Parliament on the pretext that they absolutely must be passed. Matters of great import to many Australian citizens have been summarily disposed of in this way. I was particularly shocked last year, on the last day on which the Senate sat before last Christmas, when no less than 13 Bills were hustled through so that honourable senators could rush off to join the Christmas revelry.

MARPOL is an international convention which seeks to prevent marine pollution. The Treaty was drawn up and signed by Australia in 1973, but not formally ratified by Australia until 1983. To date, Australia has addressed only the necessity for strict and unlimited liability for ships in Australian waters polluting these waters with liquid wastes. Our legislation defines strict limits on the amount of harmful substances which can be dumped, either deliberately or accidentally, into our coastal waters. This is a very sensitive area. In particular, harm can be done to places such as the Great Barrier Reef. A number of regions are declared as being of particular sensitivity in the Bill. These are called highly sensitive environmental areas. These areas are excluded from any type of dumping of operational waste. Such regions in the world include closed seas such as the Mediterranean, the Black Sea, the Red Sea and the Arabian Gulf area.

Australia has solved the need to protect the Great Barrier Reef region by declaring that the region be considered the inner limit of Australia's territorial sea. This means that the edge of the continent is thought to go along the edge of the Barrier Reef. Similar protection is afforded to bays and gulfs such as the Spencer Gulf and the Gulf of St Vincent in South Australia. How-

ever, the line drawn as the inner limit of Australia's territorial sea on the Great Barrier Reef, we believe, gives insufficient protection to the vulnerable reef area, since it was drawn up without adequate consideration being given to the predominant currents which operate in the reef area, and the fact that waste could be carried from areas just outside the reef.

Similar difficulties, in our view, prevail in the Bass Strait region. The currents circulate within Bass Strait with very little washing out of Bass Strait waters by any type of fresh sea inflow. This means that the area can be considered as land-locked. Basically, Bass Strait, from the point of view of geography, is very similar to gulf waters, since there is no effective current through the Strait to clean pollutants which happen to be in that area. The Australian Democrats will therefore move to amend the inner limit of Australia's territorial sea to extend the region of protection for the Great Barrier Reef by one degree, or between 50 and 60 nautical miles, and also to amend the inner limits of Australia's territorial sea within Bass Strait, so that all of that area can be considered to be part of Australia's land mass; hence people will not be allowed to dump at all in that area.

I cannot stress too strongly the imperative need for such an amendment, since the nature of both regions is such that pollution in those areas is cumulative because of the lack of flow in those regions of the sea. The Bass Strait area is an important fish nursery area and also an important region for the harvesting of shellfish. Shellfish are notorious for their extraction and accumulation of heavy metals and of bacteria from sea water—so much so that mussels in the waters near the Kakadu National Park region are being used as the most sensitive indicators of leakages of heavy metals, and even radioactive metals, in that area, because of the concentration of these metals.

Already many countries have been forced to ban the taking of mussels in their coastal waters because of the high bacterial content which is found in such mussels. Italy has taken particular steps to monitor mussels because of their local popularity as a delicacy. In fact, these mussels have a notoriously high level of bacteria which causes dysentery. There was a real scare in that area because of beautiful oysters which caused a large number of people to be poisoned. Italy has special legislation in this regard. The oysters were completely withdrawn from sale because it was discovered that they contained exceptionally high levels of bacteria. Oysters from Japan have

also been found to contain exceptionally high levels of mercury which, again, accumulates. A heavy metal is extracted by oysters from waters in which they live, and it is concentrated by these oysters into very unsafe levels for human consumption. Australia faces similar problems in the Bass Strait region with crustaceans and shellfish as Italy and Japan do in their sheltered waters. Unless we are prepared to protect Bass Strait our fishing and abalone industries all around that area will be threatened by pollution.

The Great Barrier Reef is similarly rich in marine life. The reef is unique in the world and as yet its vulnerability to pollutants has not been evaluated. We do not know what it is especially vulnerable to. There are about 60 species of coral in our reef in the southern hemisphere but there are only seven in the much more highly polluted regions in the northern hemisphere where shipping has been discharging pollution around Barbados and the Caribbean where there are similar reefs. Only seven species of coral have survived that. We do not know that this has been caused specifically by pollution but it is suspected that the reason for the very low count of varieties of coral in the northern hemisphere reefs is the extra pollution there. We must protect our reef from this type of problem. Coral is especially vulnerable to suffocation, whether by sand or by oil, since the minute organisms which make up the living reef depend on free flow of water across their surface from which they extract oxygen and nutrients. We cannot risk oil, even in small quantities, being carried in on currents from nearby or settling in on the reef. Death of the reef organisms would follow very rapidly as they suffocate. Certain other operational discharges from ships, which is what this legislation is about, may have quite deleterious effects on the marine life of the Great Barrier Reef.

While the Australian Democrats welcome the extension of our territorial waters to 200 miles and the extension of our jurisdiction for recovering penalties for large oil spills within that 200-miles limit, we still need that small extension of our inner territorial sea boundary beyond the reef for one degree in order to ban completely all dumping of operational oil from ships in that region. We shall move in the Committee stage an amendment to ensure that this does not happen.

The second long-standing concern of the Australian Democrats relates to the allowable levels of radioactivity which ships are permitted to dump. During the Committee stage we will move

an amendment to prevent the dumping of radioactive material in Australian coastal waters and to prevent Australian ships from dumping radioactive wastes anywhere in the world. Radioactive material, through man's intervention, is increasing considerably in the biosphere. Heavy metals are for the most part naturally occurring and man may change their distribution but does not to any great extent increase their total quantity. But if they are in the wrong place they can cause an enormous amount of damage.

However, through both peaceful use of nuclear power stations and the testing of nuclear weapons, man has considerably increased radioactivity in the biosphere. Radioactive wastes are proving to be a considerable embarrassment and potential hazard as they are being stockpiled until a suitable means of disposal has been developed. Less radioactive waste is currently being dumped at sea—both in liquid form and in concrete containers hopefully sealed to prevent leakage. The dumping of radioactive waste in the sea is creating a long term potential danger both to living things in the sea and ultimately to man at the end of the chain. While MARPOL recognises the dangers of certain hazardous goods, through this amendment the Democrats seek to incorporate the provisions of the London convention into the protection of the sea from pollution by ships legislation. The Democrats are particularly conscious of the hazards posed by nuclear ships and submarines, which have been notorious for polluting Japanese ports and refusing to accept any responsibility for the damage so done. These ships need regularly to dispose of liquid radioactive wastes and the Act currently does nothing to prevent this in Australian waters.

We believe that it is extremely important that these two aspects be added to the Bill. In all other aspects we support the Bill as actually improving the situation. The Government has a real advantage in accepting these amendments because it will give it more leverage in its negotiations with other countries by being able to say that because we put such restraints on our own ships in our own waters other countries should do the same. Basically, treaties involve that sort of agreement. It is extremely important now for these amendments to be passed. I am disappointed that the Opposition and the Government will not support these proposals. Even if the proposals are not passed, the Democrats will support the Bill but we will be watching whether, after rushing it through in these dying hours of the Parliament—as happened last time—the Bill

is proclaimed, and whether the reasons for rushing it through are valid.

Senator GIETZEL (New South Wales—Minister for Veterans' Affairs) (6.17)—The Government believes that the legislation is timely and evolutionary. We are moving in accordance with international standards and with support from the International Maritime Organisation. It is a major step forward for the Parliament to be debating and passing this piece of legislation. It is the eighth action taken by the Government in either legislative or ratification form. It puts on the public record our acceptance of the principle of preventing marine pollution. As the Minister for Transport (Mr Peter Morris) said in his Press statement, we have constantly kept the problem of marine pollution under consideration and taken whatever steps are necessary to fulfil not only our national obligations but also our international obligations.

Senator Vigor referred to this piece of legislation coming in late in the session. There always has to be some legislation before the Parliament at the end of the session. That does not mean that it does not have importance. Because the Government had a timetable to get legislation associated with its Budget passed to give Commonwealth benefits to people, the Budget legislation had to have priority. I remind Senator Vigor that this important legislation is better late than never. That is the approach the Government has taken. The Bill is designed to control ship pollutants of all types. The Minister is aware of the problem that has been raised by Senator Vigor about nuclear waste and he is keeping it very much under control. He has authorised me to give an assurance to the Parliament that should there be any problem flowing from nuclear waste—not that this is discernible or immediately on the agenda at this stage—it will receive urgent consideration by the Minister. But we have a timetable problem. We need to have this legislation passed. The Government is appreciative of the Opposition's positive approach to this legislation.

The Protection of the Sea Legislation Amendment Bill will make it illegal to discharge sewage in the Great Barrier Reef area. Honourable senators will recall that, as was said on the last occasion this legislation was debated, there was common ground not only about the protection of the Barrier Reef but also about the protection of our beaches. Australia's environment is a very important part of our outlook, our makeup and our way of life. There should be no misunderstanding. The fact is that the Government ac-

cepts that the disposal of garbage in the Great Barrier Reef area will be totally prohibited by this legislation. I remind Senator Vigor that the Government has the support of the Australian Transport Advisory Council. It is our intention to have this legislation in operation so that it will receive international ratification and support by April 1987. That might be a little way down the track but if we were to postpone consideration of the legislation until late February we might get into some technical difficulties. The Government recognises its responsibilities and obligations to Australia. It also recognises its responsibilities and obligations internationally.

Honourable senators would know that Australia is a major trading country and that we have many ships operating from our shores. The purpose of this legislation is to amend four Commonwealth Acts which we believe will enhance our international reputation. It has to be said that Australia is well recognised and accepted internationally as a leader in the area of the eradication of marine pollution. We believe that our strong policies will enable us to maintain our leadership role and our position. Of course, it might well be necessary for me to reiterate that the Australian Government has a strong environment policy. That applies not only on the land but also at sea, hence we do not have any difficulty in coming to the Parliament with this legislation. I am sure that that is why the Opposition has taken the view that it has. As I recall it, previous governments have adopted a somewhat similar bipartisan view.

Whilst Senator Vigor has expressed some of the genuine concerns that he and his Party have, I have been authorised by the Minister to say that those matters cannot be accommodated in the current situation in which we find ourselves. But should they eventuate the Minister is prepared, very early in the autumn session, to take on board any of the problems that might exist. Of course, we will be opposing the amendments to be moved in the Committee stage, but we are expecting the Senate to support the second reading motion and to oppose any suggestions or amendments in the Committee stage.

Question resolved in the affirmative.

Bill read a second time.

In Committee

The Bill.

Senator VIGOR (South Australia) (6.24)—by leave—I move:

(1) Page 12, after clause 17, insert the following clause:

"Interpretation

"17A. The Principal Act is amended by adding after section 8 the following section:

"8A. This Part has effect as if—

- (a) that part of the line referred to in paragraph (9) of regulation 1 of Annex I to the Convention which is between the point latitude 9°00' South and the point latitude 21°00' South were 1°00' East of the position indicated in that paragraph; and
- (b) that part of the sea in Bass Strait which lies between 143°00' East longitude and 149°00' East longitude and which is more than 50 nautical miles from the nearest land were less than 50 nautical miles from the nearest land.'."

(2) Page 23, clause 28, after proposed new Part IIIC, insert the following new Part:

"PART IIIC—PREVENTION OF POLLUTION BY RADIOACTIVE SUBSTANCES

"Prohibition of discharge of radioactive substances in sea

"26G. (1) Subject to sub-section (3), if any discharge of a radioactive substance, or of a mixture containing a radioactive substance, being a substance or mixture carried as cargo or part cargo in bulk, occurs from an Australian ship into the sea, the master and the owner of the ship are each guilty of an offence punishable, upon conviction, by a fine not exceeding—

- (a) if the offender is a natural person—\$50,000; or
- (b) if the offender is a body corporate—\$250,000.

"(2) For the purposes of sub-section (1), 'radioactive substance' means a substance having a specific activity greater than 350 becquerels per kilogram.

"(3) Sub-section (1) does not apply in relation to the sea near a State.

"(4) Sub-section (1) does not apply to the discharge of a radioactive substance or a mixture from a foreign ship, unless the discharge occurs in the sea near the Jervis Bay Territory or an external Territory.

"(5) Sub-section (1) does not apply to the discharge of a radioactive substance or a mixture from a ship—

- (a) for the purposes of securing the safety of a ship or saving life at sea;
- (b) if the substance or the mixture, as the case may be, escaped from the ship in consequence of damage, other than intentional damage, to the ship or its equipment, and all reasonable precautions were taken after the occurrence of the damage or the discovery of the discharge for the purpose of preventing or minimising the escape of the substance or the mixture, as the case may be; or
- (c) if the discharge was for the purpose of combating specific pollution incidents in order to minimise the damage from pollution and was approved by a prescribed officer and, where the discharge occurred in the jurisdiction of the government of a country other than Australia, by that government.

"(6) For the purposes of sub-section (5), damage to a ship or to its equipment shall be taken to be inten-

tional damage if, and only if, the damage arose in circumstances in which the master or owner of the ship—

- (a) acted with intent to cause the damage; or
- (b) acted recklessly and with knowledge that damage would probably result.”.

The first of these amendments deals with the extension of the area in which there should be no dumping at all. Currently, the area is defined by lines and the distance set out is approximately 60 nautical miles from the edge of land. However, at the Barrier Reef it is the edge of the reef which is described in the legislation. This amendment will move the line one degree east of its current position which gives an extra 50 nautical miles of protected area approximately at the base of the reef. The second paragraph of the first amendment deals with Bass Strait. Bass Strait is described as being between longitude 143 degrees east and longitude 149 degrees east, which basically puts a line on either side of Tasmania which means that any sea which is between Tasmania and the mainland shall be considered to be the area in which no dumping shall take place. That is the basis of the first amendment.

The second amendment deals with the prevention of pollution by radioactive substances and imposes pretty high penalties on the discharge of any radioactive substance. We have described the radioactive substances accurately in terms of the number of becquerels. Three hundred and fifty becquerels per kilogram excludes normal radioactivity that we would expect from material that could be disposed of over the side of a ship. Three hundred and fifty becquerels per kilogram will actually have a significant effect on a geiger counter. This particular level of radioactivity is set out in the London Convention and that is why we have chosen it. I commend the two amendments to the Committee and hope that honourable senators will support them.

Amendments negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by Senator Gietzelt) read a third time.

Sitting suspended from 6.30 to 8 p.m.

FINANCIAL TRANSACTIONS OF THE COMMONWEALTH

Variation of Statement

Debate resumed from 28 November, on motion by Senator Grimes:

That, in accordance with sub-section 49 (2) of the Audit Act 1901, the Senate approves the variation to the form of the Statement of Financial Transactions of the Commonwealth presented to the Senate on 26 November 1986.

Senator MESSNER (South Australia) (8.00)—The Liberal and National parties do not oppose the motion.

Senator Haines—Oh!

Senator MESSNER—I thought the honourable senator would be glad to hear that. However, I think there are one or two points that are worth drawing to the attention of the Senate in respect of this statement. Quite clearly, there are some inadequacies in the way in which financial reports are presented each month to the Parliament and the people of Australia. Each month all of us receive a statement from the Minister for Finance (Senator Walsh) that sets out, in what can only be described as a most obfuscatory way, the financial affairs and transactions for the month. Quite clearly, the statement is generally prepared in such a way as to ensure that we do not get the full picture of the Commonwealth's finances. Rather our information is restricted to very broad areas of expenditure, which really reduces our—(*Quorum formed*). This is a most important matter and one of the greatest concern. I am glad there is such a large assemblage in the Senate to hear the debate on this matter of very great importance. The monthly financial statements of the Commonwealth are of very grave concern to all of us. It is interesting that the statements we get do not give us an opportunity to be able to reveal in succinct detail all the matters we would like to inquire into to give us a proper interpretation of the trends and developments in the finances of this Government.

The October statement which came out recently is very much a case in point. Quite clearly, from the documentation that was presented to us in the Parliament, we were unable to determine the exact trend of the Government's finances. When the Government was put under

pressure to advise the Senate what were the reasons for the Government's rising deficit, which clearly was leading us to a trend well above that which was stated in the Budget, it could not give us an appropriate reply. Those kinds of things stem from the inadequacies of the obfuscatory nature of the reporting that happens each month. I do not mind competing with people in the gallery speaking to Ministers. The argument here is a fairly straightforward one; that is, that the information provided to us each month simply does not give, in sufficient detail, the information that would enable us to form a real, true and honest opinion about the trends in the finances of the Government

Senator Macklin—Hear, hear!

Senator MESSNER—I am glad to see the Australian Democrats fully support that point of view. They may be influencing me to incline my view towards opposition to this motion.

Senator Puplick—Senator Vigor has not spoken yet.

Senator MESSNER—Perhaps we should wait for that. This statement sets down some very slight improvements in the procedures which will be adopted by the Government from now on. However, I am very surprised that they are so much at the margin, so much at the edge of the question as to be almost useless in terms of providing extra information to the Parliament. Let me just describe what I mean. Instead of a disaggregation of information being provided for various government functions, we find an aggregation of information and, if you like, a total burial of information about the activities of the housing, urban and regional development, and environment expenditures in the overall expenditure on housing and community amenities. Quite clearly, that gives senators very little opportunity to investigate just what the trends are in particular departments. The whole tone of the changes appears to be to condense the disaggregation process into one causing a heavier and heavier concentration of expenditures into one heading on the expenditure statement. That certainly is not conducive to proper management.

As any person in business would know, we have to think of this statement as a monthly management statement and not just a reporting to shareholders. It is important to recognise that. Indeed, we should be supplied with far more detailed information about the break up of expenditures by the Government on a month to month basis. For instance, I find it difficult to understand why on earth the Government chooses to aggregate expenditures on things such

as water, electricity and gas with other economic services. While they do represent a very small proportion of the total Budget expenditures of the Government, they also evidence a trend in the thinking of the Government towards ensuring that expenditures are buried into one line on the statements so that it is extremely difficult to follow and understand the trends.

However, the other changes are most welcome. For instance, on the receipts side we now find that an item will be set aside for fringe benefits tax. That will be differentiated from sales tax. I suppose we have to be grateful to the Government for that. With respect to excise duty, certainly there are to be splits or disaggregations between petroleum products and all other kinds of products. That will give us a better understanding of the trend in expenditures there. The next item really does deserve some comment: Whereas previously we had an aggregated item called 'interest, rents and dividends' received by the Commonwealth, the fact is that now these are to be split into two categories, one for interest and the other for rents, dividends and royalties. From a management standpoint, for the life of me I cannot understand why it is that it has been split into that particular pattern. Surely, from a management point of view, dividends are the most important thing by which honourable senators should be judging the financial strengths and weaknesses of the operations of government agencies such as Australian Airlines, the Commonwealth Banking Corporation and so on. But we are not to be told what the dividends are on a monthly basis. They are to be aggregated together with rents and royalties in such a way that we cannot individualise them and relate them to the entities creating those dividends. So how on earth can we judge the efficiency of those organisations? Consequently, this must be a most unreasonable statement from that point of view.

Finally, bearing in mind those points, it is quite clear to me that, although the statement contains some improvements, there is certainly not a trend towards the improvement of information available to honourable senators so that they might better learn how to manage the financial affairs of this Government. Until we are provided with information on a monthly and most regular basis, to give us a way of being able to discover more clearly what is happening within the finances of the Government, we will not properly be able to address our duties here, as members of Parliament, entrusted as we are by the people at an election to be able to admin-

ister properly the affairs of the Australian Government.

Senator MICHAEL BAUME (New South Wales) (8.12)—It seems to me that the essential element of this kind of reporting is the phrase 'as soon as practicable after the end of each month'. There is no doubt that there is an obligation on governments to report as quickly as possible not only so that the Government knows where it is at and the Senate knows where the Government is at but also so that, because of the enormous impact that the public sector has on the economy, the private sector can judge the impact of the public sector on what is happening in the economy. For that reason, for example, it is very disappointing that the requirement to report early and as soon as practicable after the end of each month does not seem to extend to some other of the Government's reporting activities in this area. For example, on 20 November last year the Government issued the report on the Forward Estimates of Budget outlays and staffing for 1986-87 and 1987-88.

The principle outlined in this statement of monthly transactions that information should be released as soon as practicable apparently has not applied to this even more important document which relates to what the forecasts are, the results of which end up appearing in the monthly transactions document. The forecasts were released on 20 November last year. Where are they this year? Why has the Government not come clean and told us what the Forward Estimates for next year will be. It is all very well for the Government to beat its breast and say that monthly statements will be released as soon as possible. What is the motive for not having released the Forward Estimates for next year? The Senate will recall that earlier this week, on Tuesday, I gave notice of a motion calling on the Government to release this matter—

Senator Haines—How could we forget it. You do it every day.

Senator MICHAEL BAUME—I called on the Government to release this matter, a matter of major moment even to the Australian Democrats, even though they may not understand it. But it is of major moment because it outlines, just as this monthly statement does, the impact that the public sector will have on the economy as a whole and therefore on the judgments and decisions that the private sector has to make. Following my notice of motion, I am pleased to see that the *Australian Financial Review*, in today's editorial, states:

Why have the forward estimates not been released yet? Is it because they will indicate that the Budget deficit is now certain to blow out?

Of course, that is the reality. The Budget deficit is blowing out. The figures in the monthly statements are clearly showing that so far this year. They are showing that there is no way that the Budget deficit of \$3.5 billion outlined as recently as August will be met largely because of the massive increase in public debt interest which, of course, emerges from a mixture of incompetence on the Government's part in not knowing what sort of monetary policy it was going to follow and its inability to judge what was evident to everyone else, that it would be obliged to maintain a high interest rate policy if it was to allow what was excessive government spending to impose excessive demands on both imports and the domestic economy. Even under the old format the figures show that there was something like a 5 per cent increase in the Government spending contribution to national income growth over the last 12 months and that the private sector, of course, contributed nothing. In other words, government spending has still been the main reason for the continuing disasters in Australia's balance of payments figures.

There has been no real will on the part of this Government, as these monthly figures demonstrate, to cut down on government spending. The enormous publicity campaign that alleged that government spending was being cut this year was totally phoney. There has been no cut in government spending this financial year. There has been a cut in what the Government wanted to spend; there has been a cut in what it would have spent if all of its massively increased programs over its four years or so in office had proceeded unchecked. Surely there has been a cut from what it would have spent in the circumstances, as revealed in the monthly Niemeyer statements, as they are called. But the reality is that it has not cut government spending at all compared with what it spent last year. The *Australian Financial Review* asks the fair question:

Why have the Forward Estimates not been released yet? Is it because they will indicate that the Budget deficit is now certain to blow out?

Senator Messner—There is no doubt about that.

Senator MICHAEL BAUME—Of course, as Senator Messner says, there is absolutely no doubt about it. As a result of today's activities it is now clear that the Senate will sit on at least Tuesday of next week and, hopefully, on Wednesday. The Government has a duty to the

Senate to release the Forward Estimates while we are still sitting so that we have the opportunity of raising the matter here rather than waiting until 17 February next year to do so.

Senator Watson—Do they have them?

Senator MICHAEL BAUME—Senator Watson asks whether the Government has those figures. Does the Government have them and, if so, is it keeping them a secret? What does the Government have to hide?

There is no doubt in my mind that the Government knows what the Forward Estimates are. If it knew them by 20 November last year, it certainly knows them now. Why does it not have the intestinal fortitude to release them now? There is one very simple answer to that question—because it knows that they will reveal that the Budget is in a disastrous situation, that in fact there has been a blow-out and that in fact the figures will reveal that the Government's economic management has been as incompetent as we forecast it would be at the time.

Senator Maguire—Not as incompetent as your \$9,600m.

Senator MICHAEL BAUME—I am glad that the honourable senator mentioned that phoney figure. Perhaps he could explain the situation to us. It is very kind of the honourable senator to raise that point because it is on the record perfectly as the most phoney, dishonest and disgraceful figure that any party has ever tried to put across in this chamber.

Senator Gareth Evans—And you are very embarrassed and rightly so. You are very embarrassed.

Senator MICHAEL BAUME—I think it is appropriate that if anyone should talk about phoneyess it should be the Minister for Resources and Energy who is at the table. The reality is this: The figure that the Government will not release is in fact the figure on which the Forward Estimates for the deficit is based. The good senator will understand that. The figure has not been released since 1983. It was released once and it was proved to be so ludicrously wrong that the Minister's Government has never since revealed it. The Minister's Government does not provide the figure for the deficit. The reality is this: That figure, according to the Prime Minister (Mr Hawke), is illusory. That was the word that the Prime Minister used to describe it. Yet the honourable senator has the hide to come in here, knowing full well—I do not mind if the honourable senator is too indolent to have found out—that his Prime Minister regards this

figure as illusory. The honourable senator knows that the Minister for Finance at the time, Mr Dawkins, said it was so unreliable and ludicrous a figure that it would not be released. Even when we put in applications under the Freedom of Information Act, we were told it was not in the public interest to reveal the forward deficit figure because it was so unreal and so ludicrous.

The ACTING DEPUTY PRESIDENT (Senator Coleman)—Order! Senator Baume, you are moving away from the motion.

Senator MICHAEL BAUME—Madam Acting Deputy President, I am responding to an interjection, which seemed to me to challenge the basis of what I was saying. I am seeking simply to correct the record, which has been so disgracefully distorted in this place by honourable senators who either have no knowledge, or with knowledge, are deliberately distorting the truth. I do not want to dwell too much on this except to say that there is no doubt that these monthly figures theoretically reveal after the event what the forecasts are supposed to show. The better we make the reporting, certainly the greater it is to our advantage. But there is not much merit in even the most outstanding reporting if we are going to have the deception in the area of forecasting that the honourable senator opposite is prepared to continue with. He knows perfectly well that the deficit in the 1983-84 Budget ended up at under \$8 billion after his Party had added \$2.5 billion of extra, totally new, spending commitments. Even the honourable senator opposite can do the sum by taking \$2.5 billion away from \$8 billion.

The ACTING DEPUTY PRESIDENT—Order! Senator Baume, we are not discussing the matter that you are debating. We have before us a financial transactions motion. I ask you to stay on that debate, because if you do not I will sit you down.

Senator MICHAEL BAUME—Madam Acting Deputy President, that is very kind of you, and I trust that you will ensure that any possible interjections which go beyond that area, which demand a response, will not be made. I would now like to stress the point that these monthly statements of actual expenditure have a clear relationship to what the forecasts of expenditures are. It is only because of the quality of these monthly statements that we can establish the veracity of the forecasts. In other words, the two are very closely and clearly related. That is why when the format of the final result paper is changed, it is essential to have a forecast as well. Of course we have not got this year's forecast

which is now several weeks overdue and which this Government has in its possession but which it refuses to release because it knows perfectly well that the figures put it in a bad light because this Budget is blowing out, just as the current year's Budget under these monthly figures is clearly blowing out right now.

As I have mentioned, we have already seen that the public interest figure in the current monthly statements, which we have received so far this year, clearly shows a very significant and very disturbing blow-out, something like a 25 per cent increase in the debt bill of this Government, this year, when in fact the Budget forecast was for only a 6.7 per cent increase. We can see that these monthly figures are very important to the Senate. They enable us to keep a close eye on the credibility and, if you like, on almost the integrity of the Government's Forward Budget Estimates. As we have already noted, those Estimates in the current Budget have no credibility, and this Government, by refusing to release next year's, has no integrity.

Question resolved in the affirmative.

HOUSE OF REPRESENTATIVES COMMITTEE OF PRIVILEGES

Attendance of Senators

Consideration resumed from 1 December, on motion by **Senator Walsh**:

That Senators Archer, Black, Cooney and Vigor have leave to attend and give evidence before the House of Representatives Committee of Privileges if they think fit.

Question resolved in the affirmative

AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION BILL 1985

AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION (TRANSITIONAL PROVISIONS) BILL 1985

ATOMIC ENERGY AMENDMENT BILL 1985

Second Readings

Debate resumed from 8 May, on motion by **Senator Gareth Evans**:

That the Bills be now read a second time.

Senator PUPLOCK (New South Wales) (8.25)—When the debate on the Australian Science and Technology Organisation Bill 1985, Australian Nuclear Science and Technology (Transitional Provisions) Bill 1985 and the Atomic Energy Amendment Bill 1985 was inter-

rupted on 8 May 1986 I had sought to make a number of points about the reorganisation of the Australian Atomic Energy Commission into the Australian Nuclear Science and Technology Organisation. I had made the point about the attacks which Senator Sanders had made on the continuation of the HIFAR reactor at Lucas Heights and how ill-founded these were and about the positive contribution which the Atomic Energy Commission has made in assisting Australia's overseas aid program. I had just concluded making some remarks in which I said I hoped that the Minister for Resources and Energy (Senator Gareth Evans) was going to be successful in his deliberations in Cabinet to provide funding for a new cyclotron facility to be located at the Australian Atomic Energy Commission headquarters in Sydney. I am very pleased that, since the debate was interrupted, the Budget has been brought down and Senator Evans has been successful in having funds allocated for the establishment of the cyclotron facility. I believe that he is to be congratulated for that and that the Government is to be congratulated for having made a very positive and significant decision in relation to the development of the nuclear industry in Australia and the continuing valuable role which will be undertaken by the Atomic Energy Commission, now to be known as ANSTO, in its facility at Lucas Heights. Those who are concerned about the viability of that organisation and about the strength of scientific endeavour in Australia will share with me our appreciation of Senator Evans's ability to get that decision endorsed by Cabinet.

The next point which I had intended to make was that clearly one of the significant problems of the Atomic Energy Commission or ANSTO has been the age profile of the scientists that it is able to employ. It has had a number of staff ceiling arrangements imposed upon it, and one of the things that have happened, of course, is that there has been a tendency for the staff in the Atomic Energy Commission to bunch up, as it were, in terms of their age and there has not been sufficient opportunity for younger scientists to get employment in the organisation. In October 1986 the report of the Committee of Review of the Australian Atomic Energy Commission, an excellent report from a committee headed by Professor Richard Collins, Professor of Applied Physics at the University of Sydney, drew attention to this matter. In his report Professor Collins said:

The appointing of a substantial number of young scientists to ANSTO is a matter of high priority.

Again I believe that the Minister and his officers would be very much aware of the need for the Commission to have the capacity to bring a number of newer, younger scientists into the organisation. When I had the pleasure of going to the facility at Lucas Heights a couple of months ago and spending a day there with members of my staff, very much appreciating the courtesy extended to us on this occasion, this was one of the matters that were particularly brought to our attention by the people at Lucas Heights with whom we had the opportunity of very lengthy discussions.

Another point I would make from the Collins report—I certainly do not intend to dwell on the recommendations of the Collins report in any detail—is that it makes the point that the Australian Nuclear Science and Technology Organisation needs to be given a very clear sense of purpose. It needs to be given a very defined and a very clear sense of purpose which undoubtedly will be a significant responsibility for the Minister to assume.

When I was discussing this matter in May there were a number of other points I wanted to make about the organisation of ANSTO. However, the passage of events since that date has persuaded me that I should, in fact, talk about an entirely different subject from that on which I had intended to talk but one which is very closely related to the work of ANSTO, and that is the question of the irradiation of food. This is a matter of high political as well as scientific significance. The Atomic Energy Commission, as it was—ANSTO, as it is soon to be—is playing and will play a vital role in coming to grips with this matter. On 5 June 1986 the National Health and Medical Research Council published a statement under the heading 'NHMRC approves food irradiation'. The release reads:

The National Health and Medical Research Council today approved its Food Standard for irradiation of foods and recommended this be adopted by states and territories.

The Council, meeting in Brisbane for its 101st Session, recommended as well that only foods approved by its Food Committee be irradiated and adopted a formal application for approval to irradiate food to be included in its model legislation.

Members agreed that there was a need for public education about food irradiation and set up a working party to conduct an education program.

As far back as July 1983 the Australian Atomic Energy Commission, in its journal the *AAEC Nuclear News*, issue No. 15, had this to say:

Responding mainly to the pressing need to feed growing populations in developing countries, a United Nations committee took responsibility in 1961 for co-ordinating research into preservation of food by irradiation with gamma rays (and other ionising rays). After considering almost 30 years of research findings, the committee made a statement in 1980 that 'No toxicological hazard is caused by irradiating any food up to a dose of ten kilograys, and hence foods treated in this way no longer need to be tested for toxicity'. (A kilogray is a measure of radiation absorbed by an object.)

The report went on to indicate that some 22 countries in places as diverse as Canada, France, the Netherlands, Hungary and the Soviet Union, had already established levels for food irradiation and had approved the use of this particular technique. In a report which was produced in the last couple of months by the United Kingdom Department of Health and Social Security entitled 'Report on the safety and wholesomeness of irradiated food', a report by the Advisory Committee on Irradiated and Novel Foods, the United Kingdom Department said this:

We are satisfied, from our review of data and having regard to the likely uses of the process, that ionising irradiation up to an overall average dose of 10 kGy, correctly applied, provides an efficacious food preservation treatment which will not lead to a significant change in the natural radioactivity of the food or prejudice the safety and wholesomeness of the food.

* * * *

We therefore agree with the conclusions of the 1980 JECFI—

a previous report—

namely that the irradiation of food up to an overall average dose of 10 kGy presents no toxicological hazard and introduces no special nutritional or microbiological problems.

Instead of acting upon these recommendations and instead of allowing significant firms such as Steritech Pty Ltd, a firm which has facilities in both Sydney and Melbourne and whose premises in Sydney I have visited and inspected, to get on with the significant process of irradiating food and providing for food preservation within guidelines laid down by the NHMRC and with the co-operation and assistance of the Atomic Energy Commission, the Government has now sidetracked this project. This decision will affect people such as beekeepers, who have been bringing their hives to Steritech for irradiation purposes, and food processors—for instance, the mushroom growers in New South Wales, who lose something like \$1.25m a year in spoilage because they cannot properly extend the shelf life of the food. For the most extraordinary of reasons this Government has decided to take the evidence of the NHMRC, the United States

Department of Food and Drug Administration and the United Kingdom Department of Health and Social Security and throw it all up in the air, forget all about it and say to the Australian Consumers Organisation—of all the ratbag, silly groups one could possibly imagine—‘Here is \$90,000 to go out and do a study on this subject’. That group is advertising in the newspapers for someone to come along and help it with this study. It has the money to commission studies and to send people overseas. This absolute ratbag organisation has been commissioned by the Government to second-guess the work of the NHMRC, consisting of some of the most eminent scientists and medical people in the country; to second-guess the work of the Food and Drug Administration in the United States; and to second-guess the work of the Department of Health and Social Security in the United Kingdom in order to bring about some sort of peace in the Caucus so that left wing members associated with the Food Preservers Union of Australia and goodness knows what else can be satisfied. Instead of allowing firms such as Steritech Pty Ltd and the Australian Atomic Energy Commission, soon to become ANSTO, to get on with the process of developing standards which will positively assist our export trade, the Government brings forward this absolute nonsense.

Members of the Government, such as Senator Georges, who are monumentally concerned with issues such as the exportation of live sheep, should understand that one of the most significant opportunities that arise under the irradiation of food is the provision of the irradiation of carcasses in order to allow meat to be shipped to countries where there are no cold storage or refrigeration facilities. All those who wish to bleat about the export of live sheep should be very much in favour of the irradiation of food because this is a technique which will allow food to be exported to those countries which do not have the storage and refrigeration facilities, without the inconvenience and unpleasantness of the live sheep trade as identified by the Senate Select Committee on Animal Welfare.

As both Senator Jessop and Senator Sheil have said, irradiation is a perfectly safe process. Why, for heavens sake, the Government must derail this part of the development of the nuclear industry in Australia in order to satisfy these lunatic left wing demands and pay good public money to an organisation such as the Australian Consumers Association in order to re-do all these prestigious scientific studies is absolutely beyond me. If one looks at the overwhelming weight of evidence which is available

on this subject, one sees that quite clearly here is a significant, safe process, one in which there can be benefit for Australia in terms of our export capacity, benefit for local producers in terms of mushroom growing, strawberry producing and fruit producing as people will be able to extend the shelf life of otherwise perishable goods, and considerable benefits for consumers because there will be a reduction in costs by an extension of the shelf life of these products.

Senator Jessop—What is the shelf life extension?

Senator PUPLOCK—In some areas, such as strawberries, raspberries and mushrooms, one is talking about an extension of several weeks. In the case of foods such as potatoes, one is talking about several months. I regret that my time has almost expired because this is an interrupted contribution from the debate on 8 May, but nevertheless I wish to conclude by making one point. I am sure that the Minister for Resources and Energy is grievously embarrassed at having to go through the process of this particularly silly investigation. He knows, from this close association with nuclear scientists and the scientific community in Australia, that this is a very valuable process. I am sure that he, with his personal commitment to the success of ANSTO in the future, would very much like that organisation to be able to get on with its work and to develop this process for the sake of Australian industry and for the nuclear scientists and technologists involved. I hope that the Minister can replicate the great success that he has had in persuading the Government to make rational decisions about the cyclotron facility which was originally recommended by the Australian Science and Technology Council report on nuclear science and technology in Australia, by getting rid of this stupid inquiry and by allowing the scientific community to get on with its very valuable work.

The ACTING DEPUTY PRESIDENT (Senator Coleman)—Order! The honourable senator's time has expired.

Senator KILGARRIFF (Northern Territory) (8.40)—The Australian Nuclear Science and Technology Organisation Bill and the other Bills dealt with in this cognate debate will enable the existing Australian Atomic Energy Commission to be replaced by a new organisation, the Australian Nuclear Science and Technology Organisation, now known as ANSTO. One must give credit to all the people in the Australian Atomic Energy Commission who have given so much service to Australia. They have given tremen-

dous service in many fields over many years. I have no difficulty with the Federal Government's wishing to set up a new organisation, in keeping with developments in nuclear technology, its application and orientation. I commend the notion that this legislation will encourage ANSTO to increase its commercial or cost recovery objectives. There is certainly great scope for the export of technology, including nuclear technology, from Australia.

But despite my general support for what is proposed in these Bills, I am concerned at what I regard as a significant omission. It is clear that the Federal Government is deliberately failing to provide ANSTO with a charter which includes development of the nuclear fuel cycle in this country, beyond the mining and milling of uranium. I noted in the report of the Committee of Review of the Australian Atomic Energy Commission, commissioned to coincide with the transition of the AAEC to ANSTO, that in its executive summary the Committee of Review noted that the nature of the activities of the AAEC has evolved considerably over the years, and is now significantly different from the functions specified in the AAEC legislation. This has given rise to the formalisation of these changes in the new legislation. The Committee has proposed a basic strategy for ANSTO which it states is directed towards the practical utilisation of nuclear science and technology for the benefit of Australia.

There would be few who would disagree with that as an objective, but I and others, certainly honourable senators from this side of the House, will watch with interest to see just how this objective is implemented. I am not entirely reassured by the interim objectives the Committee of review has established for ANSTO. They include the provision of expert advice on nuclear issues to the Australian Government, provision of technical services and products, including the supply of essential radio-isotopes and radio-pharmaceuticals, with which I have no problem. But I am wary of the objectives of contributing to international endeavours to provide solutions to problems with the nuclear fuel cycle. Certainly we should be participating, as a nation, in research into the nuclear fuel cycle, but we should not be restricted to assisting international research on any problems with this issue. We should be developing the nuclear fuel cycle within Australia, instead of simply exporting uranium overseas.

Senator Georges—And producing the bomb as well?

Senator KILGARIFF—Senator Georges is getting a little lost. I have referred before to the article of Dr Leslie Kemmeny, a senior lecturer in nuclear engineering at the University of New South Wales, in which he makes some very salient points on this very issue. Dr Kemmeny is a person of some eminence in Australia and, I believe, a person to be listened to. He said:

There is no alternative to the peaceful nuclear fuel cycle. The Government which does not recognise this is heading for economic suicide. The country which continues to burn or deplete its irreplaceable fossil fuels and hydrocarbon resources is depriving future generations of fuel for transport and feed stock for plastics, pharmaceutical and agricultural industries.

He continued:

The problem is in Australia that for more than 30 years we have had to wait for a pragmatic, well-informed peaceful nuclear policy. We still do not have it. Political expediency still rules decisions in this area. No wonder our trading partners for uranium are restless and our competitors are laughing!

Dr Kemmeny then referred to a very interesting report which was prepared for the Prime Minister, Mr Bob Hawke, in 1984 by the Australian Science and Technology Council, that is, ASTEC. The report is on Australia's role in the nuclear fuel cycle and it makes very interesting reading. Amongst the findings of this ASTEC report which was prepared by experts and collated from all sectors of the nuclear industry is the following point: Reliable supplies of energy are vital for the economic development and social stability of modern society. Altogether, some 30 countries now have nuclear power stations in operation or under construction. When those now under construction are completed, the total installed capacity will be more than double the present figure and in several countries the fraction of total electricity produced by nuclear power stations will be more than 50 per cent.

The second point made is that concerns are being increasingly expressed regarding the environmental effect of coal-fired power plants in particular and fossil fuel-fired plants in general, with much of the focus on the acid rain caused by chimney emissions. This is now having serious biological and environmental repercussions, and in the long term could result in changes to the global climate caused by increasing carbon dioxide concentration of the atmosphere. We hear so much of that these days. It supports what I am saying. The next point is this: Regardless of the final balance adopted by individual countries between nuclear, coal and other energy sources, nuclear power stations now in operation and under construction make it virtually certain that, over the next 25 years at least, nuclear power

will play an indispensable role in the electricity grids of a substantial number of countries, including most of the Western industrialised countries.

One very significant finding for Australia is that there is no shortage of uranium in the world to supply fuel to the nuclear power industry. I sometimes think that some people in Australia believe that Australia, with its vast uranium deposits, is a country that can control the supply and use of uranium in the world. Of course, this is extreme nonsense, despite the fact that we have world-class resources. Substantial ore deposits exist in many countries and reserves are being increased as exploration proceeds. Although recent figures indicate that Australia has the largest reserves in the non-communist world, the future development of the nuclear power industry will not be dependent on Australian uranium and will proceed, irrespective of whether Australia is a supplier. A minority of people in Australia have been perhaps misled, and certainly do not understand the situation. Countries with nuclear power programs will be able to obtain supplies from other sources, but would have a preference for politically stable countries such as Australia. I hope that Australia will remain, as it is termed, politically stable.

The report also comes to the conclusion that international tensions can be reduced and the prospect of world peace enhanced by an assurance of reliable long term energy supplies. Australia, being a reliable long term supplier, is in a position to contribute significantly to international energy security. Further, the ASTEC report concludes that this contribution would be strengthened if Australia were to participate in appropriate ways in other steps of the fuel cycle. The most suitable basis for developing such activities would be through joint ownership and supervision of the appropriate facilities by Australia and other countries which share our strong commitment to non-proliferation. Some of the facilities might appropriately be located in Australia. ASTEC recommends that Australian participation in stages of the nuclear fuel cycle in addition to uranium mining and milling should be permitted where such participation promotes and strengthens the non-proliferation regime. I certainly agree with this.

As I said, the ASTEC report was commissioned by the Prime Minister, Mr Hawke. One can only wonder why he chose to ignore it. He commissioned it but he has ignored the recommendations regarding the nuclear fuel cycle. The reason for his having done this is pretty clear:

The Prime Minister does not have the gumption to take the initiative and, disregarding the howls of the ratbag left wing of his Party, do something which is in the national interest—such as undertake to develop Australia's role in the nuclear fuel cycle. This Prime Minister, who shows such a lack of leadership, is only concerned to pander to the left wing of his Party, which he must placate if he is to keep his job—some statesman!

The Australian Nuclear Science and Technology Organisation legislation does not facilitate the extension of Australia's involvement in the nuclear fuel cycle; it concentrates the objectives of ANSTO on nuclear science and technology in line with government policy, which excludes the extension of the fuel cycle, and the production of radio-isotopes for use in medicine, science, industry, commerce and agriculture. Whilst the latter of these objectives is particularly important, I believe that it is very short-sighted in the establishment of this new organisation to ignore the potential of Australia to become involved in the nuclear fuel cycle. As Dr Kemmeny's article points out—I referred to that earlier—decisions taken in the nuclear industry need a long lead time. He stated:

Any Australian government which vacillates much longer over this country's involvement in uranium mining and export or possible full-scale involvement in the nuclear fuel cycle will be making costly errors. It will leave a legacy of technological backwardness and ultimately the death throes of our secondary industries and competitiveness in the face of Third World growth and development. It may well be that in 20 years time Australia and New Zealand find themselves the only major Pacific basin countries without nuclear industry and without adequate nuclear research facilities.

Australia will end up a country destitute of the expertise which we should be developing now with our high quality and plentiful uranium deposits. It seems that we are letting it all slip away from us. Coming from the Northern Territory, I believe this to be very much so. Where there was prospective employment in the nuclear fuel industry and in mining, instead we now see unemployment. Where there was an opportunity for the Aboriginal people of the Northern Territory to get out of welfare handouts we see instead that they have been held back and told that although it is their land we are not going to allow them to develop their resources on or under that land. So the Aboriginal people remain a group largely mendicant in receipt of Commonwealth handouts. People could not disagree with me. The Aboriginal people in the Northern Territory wish uranium to be developed in joint ventures. They have made arrange-

ments and agreements and they wish to stop living on handouts. They believe that there is a future for them to develop as citizens of Australia in joint ventures. But the Federal Government says to them: 'No, you cannot do that. You must continue to line up day by day and week by week and live off government handouts'.

Senator Sheil—Sit down money.

Senator KILGARRIFF—That is quite true. The Aboriginal people say that they do not wish to live off handouts or sit down money. The Federal Government just hands them money which encourages them to be idle and brings about so many of the problems that are being experienced by those people now. Yet they are being denied the opportunity of being able to live on and develop the resources of their land now in joint ventures. Dr Kemmeny has issued a dire warning, one which I think we would do well to heed, particularly in the Senate where at times we seem to have some very odd statements. As I have said, Dr Kemmeny has said that it would be well for us to heed these dire warnings but I fear that this Government, to Australia's very great detriment, has not been prepared to accept them.

Senator Sir JOHN CARRICK (New South Wales) (8.56)—Mr Deputy President—

Senator Georges—What is this going to be?

Senator Boswell—What do you suppose it is going to be?

Senator Georges—I don't know. I didn't think we were going to have a continuing debate at length. If that is the case, why were we not given—

The DEPUTY PRESIDENT—Order! Senator Georges, Senator Sir John Carrick has the call.

Senator Boswell—If you want to make a contribution you get up and have a go.

Senator Georges—Is that right?

The DEPUTY PRESIDENT—Order! Senator Georges, Senator Sir John Carrick has the call. Senator Georges will not interject.

Senator Sir JOHN CARRICK—Mr Deputy President, if I may start again—

Senator Georges—What are the arrangements? That is what I want to find out. I thought we had certain arrangements.

The DEPUTY PRESIDENT—Order! Senator Georges, I just told you not to interject. Senator Sir John Carrick has the call.

Senator Sir JOHN CARRICK—Let me be the judge.

Senator Georges—Oh no, I think this is outrageous; absolutely outrageous. The Opposition is getting a straight go to talk for as long as it likes and now we have this outrage.

The DEPUTY PRESIDENT—Order! Senator Georges will cease interjecting. Senator Sir John Carrick has the call.

Senator Sir JOHN CARRICK—The Senate has before it the Australian Nuclear Science and Technology Organisation Bill 1985, the Australian Nuclear Science and Technology Organisation (Transitional Provisions) Bill 1985 and the Atomic Energy Amendment Bill 1985, which deal with the Australian nuclear industry. The background to these Bills needs to be spelt out so that we have an understanding of them. Australia, in the early post-war years, developed a nuclear industry by mining and milling uranium. That industry called for an understanding of the peaceful use of uranium and thorium and for preventive measures to stop abuse. Accordingly, legislation was enacted then which is still in existence. The Atomic Energy Act was a piece of legislation developed under the defence power and it remained under that power because, significantly, the use of atomic energy had been connected, however sadly, with Hiroshima and Nagasaki.

That Act remained in force for many years and had very strict powers indeed. But over the 1950s it became clear that Australia should develop an understanding of the peaceful uses of nuclear energy. Accordingly, in the 1950s two reactors were set up at the research establishment out at Lucas Heights near Sydney under the Australian Atomic Energy Commission. I happen to have been privileged to be there at its opening. It was purely a research establishment and remains so. The two reactors are small and low powered. That establishment is there to train our science graduates and post-graduates; it is there to train our engineers and chemical engineers; it is there to develop an understanding of the peacetime uses of nuclear energy; it is there to look at the nuclear fuel cycle and to train our people to participate in the International Atomic Energy Agency—a major safeguard for the peacetime use of uranium—and it is there to understand our good neighbour policies in the Treaty on the Non-Proliferation of Nuclear Weapons.

Senator Jessop—It produces radioactive isotopes.

Senator Sir JOHN CARRICK—As Senator Jessop reminds me, it produces radioactive isotopes for both medical and industrial purposes.

That is a very important point indeed. The development of our nuclear science understanding took a number of steps forward over the years as the world saw that it would eventually run short of our major non-renewable fossil fuels—coal and oil. A series of nuclear power stations developed around the world. Those who remember Chernobyl in the past year should understand that nuclear power stations have now been functioning for some 30 years and, whilst one does not underestimate such an accident as that which happened in Russia, the fact of the matter is that more than 300 nuclear power stations are operating today and an equal number are in the process of being built. All the Western industrial nations are now moving steadily toward nuclear power being their source of power. We have oil shortages and it will eventually run out. Coal, which creates acid rain, is doing great harm to the community and is creating real problems for the world. There is a need for Australia to look to the development of nuclear power and to understand it.

In the late 1970s and early 1980s I was privileged to be the Minister for National Development and Energy. That was at a time when there was a world oil crisis, at a time when there was an energy crisis and at a time when each nation was looking to see what it could do to take part in ensuring that the great advantages of peacetime nuclear power could be used and that there were massive safeguards against the use of nuclear weapons. That can be done only if one understands what the problems are. As I have said, one can participate in the full scientific understanding through the International Atomic Energy Agency, the Australian Safeguards Office, which monitors our fissile materials, and our partnership with 133 nations in the Nuclear Non-Proliferation Treaty.

When I was Minister for National Development and Energy we were not only mining and milling uranium and, as good neighbours, sending it overseas—I will come to that in a moment—but also we had had the benefit of Professor Ringwood's development of a synthetic material called Synroc. The biggest single problem for the world in terms of the peacetime uranium industry has been how to dispose of nuclear fuel waste, which is highly radioactive. At this moment the waste fuel is processed, placed in glass, in vitrification, placed in stainless steel canisters and stored above ground in an air-conditioned situation for 30 years. Vitrification is a good method of storing but it has one great disadvantage. If glass is placed in the earth at any temperature at all the effect of water in

the soil leaches the glass and some radioactivity can escape. We have to store these canisters, which I have seen and stood alongside in France and the United Kingdom, on the earth's surface for 30 years and that in itself presents some hazards.

Professor Ringwood has come forward with what he has stated to be, and what appears to be, the most inert mineral material that man can devise; material that, it is claimed, in millions of years will not change its form. It is material which is capable of taking within itself in volume four times the mass of highly radioactive material that glass will take. More important than that, it is claimed that Synroc, or synthetic rock, the radioactive material having been combined with it, can be put immediately in gas drill holes four kilometres through the earth's crust into safe, stable areas and be disposed of immediately. If this succeeds, it is of immense importance to the world. Nothing could do more good to the safety of the peacetime nuclear industry than for Australia to lead the world in safe radioactive waste disposal. Professor Ringwood and his team deserve full marks on this. The Australian Atomic Energy Commission out at Lucas Heights deserves full marks because it has developed a pilot plant and is working it up. The synthetic material is being tested in the reactors and can be tested there, simulating millions of years of stress upon it. It has been tested overseas in highly radioactive waste. There is a tremendous interest in it. So Australia is doing something quite important at Lucas Heights.

There is another very great and important step in the nuclear fuel cycle—uranium enrichment. If Australia were to play its role we could help to safeguard the security of the movement of fissile material in the world as well as provide employment for ourselves and get much more export earnings. In my time at Lucas Heights a centrifuge pattern was set up to study whether or not a centrifuge system would be the system for enriching uranium. To understand it, one needs to realise that it is a chemical plant, not a radioactive plant. The situation is that there are two isotopes of uranium in yellowcake. If one takes yellowcake and puts it with fluorine gas, one gets uranium hexafluoride. It is spun and the heavier isotopes separate. There is 0.7 per cent of the isotope one wants in it at the start. It is then enriched to 3.7 per cent.

If a commercial enrichment plant is established, that plant cannot produce material for weapons grade uranium. That is terribly important. The commercial enrichment plant enriches

to 3.7 or 4 per cent, whereas a weapons enrichment plant enriches to 90 per cent. So what has been recommended is that Australia can be a good neighbour to the world in providing the plant that can only provide enrichment at the peacetime nuclear fuel level. That, in itself, has been strongly recommended and had been developed.

I will come to that in a moment. In my time we set up a commercial interest that went around the world. It came back and reported, firstly, that Australia could do such a technology; secondly, that it was commercially viable; thirdly, that there would be a market in the early 1990s; and, fourthly, that the technology should be centrifuge and that the ideal would be an arrangement with the European Urenco-Centec. All that has stopped.

Against that background, where we have been taking a great part in an understanding of what is happening to the peacetime nuclear fuel cycle, the Hawke Government set up the Australian Science and Technology Council. It produced a report entitled 'Australia's Role in the Nuclear Fuel Cycle', a report that I hold. It was chaired by one of the most distinguished scientists and environmentalists Australia has, Professor Ralph Slatyer, to whom I pay tribute. Professor Slatyer would be first and foremost in Australia to look towards the environmental safety of Australia's ecology and the world's ecosystem.

What did that report state? It looked at what Australia should do in terms of nuclear technology, not just for its commercial benefit at all but at how we could play a part in this world to secure world peace, to stop the proliferation of nuclear weapons and to make sure that there would not be a shortage of peacetime fuel. I will read from the report. The main conclusion in the report states:

Our overall conclusion is that Australia will be best able to make a significant contribution if it is actively involved in the nuclear fuel cycle. By such involvement we consider that Australia would be able to make a direct contribution to the development of the civil nuclear fuel cycle in ways that will increase global energy security, help to strengthen the elements of the non-proliferation regime and help to reduce the risks of misuse of civil facilities and the diversion of nuclear materials from civil and military uses.

It goes on to state:

Without such involvement we consider that global energy security would be less assured and our ability to strengthen the non-proliferation regime and to influence future developments in the fuel cycle would be reduced. We do not wish to exaggerate Australia's role in matters related to the nuclear fuel cycle but, as in most other human endeavours, it is only by active involvement that

Australia can expect to be able to influence the future course of events.

That recommendation states that the very best way that Australia can help to secure peace in the world and to prevent proliferation of weapons is for us to involve ourselves in the whole of the nuclear fuel cycle. Paraphrased, it states that, if we do not do so, we will be making a lesser contribution. Sadly, we are making a lesser contribution. It goes on to state:

... exports of Australian uranium should not be limited as a matter of principle but should be permitted subject to stringent conditions of supply designed to strengthen the non-proliferation regime.

That means that, instead of having a limited policy of exporting some but not all uranium, the best way that we can help in making sure that uranium does not go astray and that it is monitored is to export it wherever there is a demand for it within the Nuclear Non-Proliferation Treaty. More importantly, it states that there would be some very large markets indeed for uranium sales throughout the world and that Australia is likely to miss them. It states:

The market provides opportunities for Australian uranium producers to gain additional contracts and to increase exports beyond present levels. If Australia were to secure one third of the uncommitted share of the market, a reasonable assumption on the evidence available, that would lead to a doubling of the amount contracted for delivery between 1984 and 1996. Most of the new exports would occur in the 1990s.

It goes on to state:

In recent years, uranium has become a major export item for Australia, with sales comparable in value to some other important mineral and agricultural products. The annual value of uranium exports increased from \$70 million in 1978 to over \$360 million in 1982. If sales were to increase in future to the extent suggested in the preceding paragraph, and if the price of uranium were to remain at \$A77 per kilogram of uranium oxide (a reasonable expectation for long term contracts, which generally fluctuate less than the spot price), the annual value of Australian uranium exports would rise to over \$1000 million by 1993. The total value of exports in the decade 1984 to 1993 could exceed \$6000 million.

Here is the most authoritative body in Australia saying that to preserve the peace and to ensure that there is no nuclear proliferation, we should do these things; that there is a huge market for us and, of course, it implies that we ought to get in so that our balance of trade can be fixed. But along has come a government which has done the most extraordinary thing. It has produced a Bill which bears no relationship at all to the second reading speech. It bears absolutely no relationship to the second reading speech. Clause 5 (1) of the Bill states:

5. (1) The functions of the Organisation are—

- (a) to undertake research and development in relation to—
 - (i) nuclear science and nuclear technology;
 - (ii) the production and use of radioisotopes, and the use of isotopic techniques and nuclear radiation, for medicine, science, industry, commerce and agriculture; and

I pause there. The second reading speech says, in effect, that the reform of the Atomic Energy Commission under a new name will be such that in fact its interest in the nuclear fuel cycle will virtually cease. In his second reading speech the Minister for Resources and Energy (Senator Gareth Evans) said in plain words:

While moving away from nuclear fuel cycle activities, in line with the Government's policy, which is that Australia not become involved in any stages of the nuclear fuel cycle other than the mining and milling of uranium and the disposal of waste, the Atomic Energy Commission has continued to apply its substantial expertise to research activities into the uses of radioisotopes and radiation.

The fact of the matter is that the Government has said that not only will we have a limited export of uranium against the advice of the Australian Science and Technology Council and against the advice of the agreement we have under the Nuclear Non-Proliferation Treaty but also that it will close down the research into uranium enrichment. The Minister continued:

In recent years the AAEC has ceased its involvement in the uranium mining industry, and the uranium enrichment research based on centrifuge technology, which has been undertaken by the Commission since the mid-1960s. . . .

So in point of fact what is happening is that the Government is going out of the whole nuclear fuel cycle. It is not game to go out of the Synroc experiment because the public of Australia would scream with rage if it did. Demonstrably, this experiment could be of enormous benefit to humanity. The Government, therefore, is not going out of that. However, it has moved right out of the enrichment situation where enormous good could be done for humanity by making sure that only reactor grade enrichment is made in terms of industry and that weapons grade uranium is not produced. It is beyond my belief why a government would not want to help this world to move into greater nuclear safeguards. I do not know why this Government would want to reject the advice of ASTEC which is the brains in this field. I do not know why it would want to reject the advice of the Chairman of ASTEC who is one of the great environmentalists. I think he was chairman of the World Heritage Committee. He is a man of world renown. In my time as a Minister I was responsible for recom-

mending him as our Ambassador to the United Nations Education, Scientific and Cultural Organisation. I did so because he is a man of immense understanding; a man who is totally absorbed in the protection of the ecosystem.

The truth of the matter is that this Government is running away from all of its responsibilities under the Nuclear Non-Proliferation Treaty and the International Atomic Energy Agency. I pause and say that it is very important that we should be on the governing body of the Agency. Whether or not Australia has a nuclear industry we want to be sure that we understand the kind of accidents that happened at Chernobyl, that we can have a say in what is done in respect of phophylaxis or remediation in this world of ours so that these things cannot occur again. We have been members of the Agency because we are good neighbours in the export of uranium and we have been active in moving into the enrichment field.

Unless we understand these things, unless we understand the technology which is rapidly increasing and unless we understand the changing nature of the various types of reactors, how can we participate in a world dialogue, a world in which navies are moving virtually to nuclear propulsion, a world in which oil fuel will run out and merchant vessels will in the decades ahead move by nuclear propulsion? This country needs to have the highest technical understanding of reactors, whether they be used in submarines, merchant vessels or naval vessels or whether they be on the ground. We need to understand why the Chernobyl reactor had imperfections and what happened at Three Mile Island.

It is true that for 30 years we have basically had a very safe situation. But we have to play our part in keeping this world free. I have said in recent days that there can be no nuclear free zone in this world while there is a chance of any kind of missile being dropped in this world, or indeed while there is any danger from any kind of nuclear leak. The fact is that the fallout from Chernobyl blew over nuclear free zones and created irradiation. What is needed now is for us in Australia to play our full part. But what has happened? Great damage has been done to the Atomic Energy Commission. It will be given a new name, but the truth is that it will be virtually emasculated. Almost no nuclear scientific knowledge is necessary in the mining and milling of uranium, so that can be put aside. The fact is that it is a simple mining technique which poses very little danger to health. The

conversion from the actual ore itself to the yellowcake is a very simple alkaline process and the dangers are those of radon gas from waste pits.

Senator Jessop—Coal mining is more dangerous.

Senator Sir JOHN CARRICK—Yes. Senator Jessop said that coal mining has many more hazards than that. Let us not have nonsense from the Government saying that we will have an Atomic Energy Agency to tell us what we are going to do about mining and milling. That is the nonsense of the century. Do not tell us that we will do great things with commercial or industrial isotopes because we do not need an atomic energy commission, under either the old or the new name. The Minister knows, and the Senate should know, that an ordinary cyclotron can be put up anywhere as a commercial venture and it can produce industrial or medical isotopes. What the Minister has said in his second reading speech is that he is virtually going to abolish the Australian Atomic Energy Commission. That will be cheered loudly by large sections of the Australian Labor Party. It will cause many highly valuable people at Lucas Heights and elsewhere to try to find other jobs. There will be a fall in morale because—

Senator Gareth Evans—Oh, come on!

Senator Sir JOHN CARRICK—The Minister says: 'Oh, come on'. All I can say is that I have had private expressions from highly placed officers at Lucas Heights saying that to me.

Senator Gareth Evans—Well, name them.

Senator Sir JOHN CARRICK—Oh, the Minister does the cheapest trick. I have never heard a cheaper little trick than that. That is a school-boy debating society trick. The fact is that he is hurt because he knows that he has taken away from Lucas Heights the whole of its reason for existence.

Senator Gareth Evans—I am trying to keep the morale of the organisation intact. You are a disgrace.

Senator Sir JOHN CARRICK—Let him shout his head off on this, because it only shows how much I am touching the core. In his second reading speech he said: 'We will leave the mining and milling'. He knows, because the Australian Science and Technology Council says, that there is no nuclear industry involved in mining and milling and it is a purely mining concern. So that one goes out the window.

He is then left with two things: Synroc, which he is not going to get rid of because it is a

message to the world at large, and it was not started by his Government; and, of course, a pretence that we need this huge industry for medical and industrial isotopes—a nonsense situation. What we need this industry for is for Australians to be trained to understand the peaceful uses of nuclear energy and indeed the dangers that will come from wartime use. We need people to be trained so they can take part in the International Atomic Energy Agency, in advice to governments as to what they do in terms of the protection of the environment, if it is necessary, in nuclear-propelled vessels and nuclear-armed vessels. We need all these things.

Senator Gareth Evans—I accept all that.

Senator Sir JOHN CARRICK—I wish the Minister would remain quiet. He does not add to the debate at all.

Senator Gareth Evans—I am accepting what you are saying; that is how I am adding to the debate.

Senator Sir JOHN CARRICK—Well, go ahead, I take it he is really saying that he agrees with me. Well, is that not good? If he agrees with me perhaps he could observe a decent silence, because it is quite unusual for the Minister to agree with anyone, except his own Narcissus self.

The ACTING DEPUTY PRESIDENT (Senator Jones)—Senator, would you pass your remarks through the Chair, not directly across the chamber?

Senator Sir JOHN CARRICK—Let me repeat: I said 'the Minister'—talking through you, Mr Acting Deputy President.

The ACTING DEPUTY PRESIDENT—Thank you, Senator. Continue on.

Senator Sir JOHN CARRICK—I was not speaking to the Minister himself, so I do not need that kind of guidance, save in your presence. I was not talking to the Minister at all.

The ACTING DEPUTY PRESIDENT—I hope you are not reflecting on the Chair.

Senator Sir JOHN CARRICK—I was talking in the third person to you.

The ACTING DEPUTY PRESIDENT—I said thank you, Senator.

Senator Sir JOHN CARRICK—I was talking but he went on interrupting, not being rebuked by the Chair, if I may say so.

The ACTING DEPUTY PRESIDENT—Yes, Senator, as long as you are not reflecting on the Chair. Thank you very much.

Senator Sir JOHN CARRICK—You know that I am not reflecting on the Chair. It happens that I was using exactly parliamentary privilege. It is better to pick the target that is causing the trouble than to pick the innocent bystander in this situation.

The fact of the matter is this: We are delighted now because the Minister says that he agrees with what I have said. What we need is an industry that will give to Australia the skills, the technology and the understanding that will enable us to take part in this world to make a peacetime world, to make a safe world. What the Minister has done is basically to set out to destroy that. He pretends that he has not, but his second reading speech destroys the nuclear cycle. He says that we are not going to take part in the nuclear cycle any more except in terms of Synroc. That is the only thing we are going to do. How can we have an atomic energy industry if we are not going to take part in the cycle at all? In point of fact, it is a very sad day for Australia that this should be so. It is a very sad day that the left wing of the Labor Party, as usual, wins, as indeed the volume of decibels from Senator Georges has indicated throughout this debate. It is a sad day for Australia's participation in this world, to try to secure nuclear peace and non-proliferation, that what we should be doing in Australia is weakening our ability to do so. Only the Hawke Government, dominated by the Left, would do that.

Senator SHEIL (Queensland) (9.27)—I will be as brief as I can tonight because I realise the problems. Mankind has made three great discoveries. The first was fire, the second was the wheel, and the third was plutonium. They are each as dangerous as the others. In fact they make wonderful servants but fearful masters. Actually we do not discover anything. All that we really do is unlock the processes by which nature has been working for millions of years. This has now culminated in the production of plutonium. Nuclear power represents the cleanest, safest and cheapest form of generating heat to gain electric power that we have ever known in the world, and we are disappearing into an electric world. The sun itself works on nuclear power by nuclear fusion. This is the way we should go. As soon as we can develop a containment field for it, the better off we will be for clean, safe power. Of course, these Bills are going to preclude all that.

So, I return to the Bills—the Atomic Energy Amendment Bill 1985, the Australian Nuclear Science and Technology Organisation Bill 1985, and the Australian Nuclear Science and Technology Organisation (Transitional Provisions) Bill 1985. The purpose of the legislation, of course, is threefold. It is to set up the Australian Nuclear Science and Technology Organisation, ANSTO, which will replace our very successful Australian Atomic Energy Commission. Secondly, it will transfer property, liability, obligations, financial assets and staff from the AAEC to the new ANSTO. Thirdly, it repeals the Atomic Energy Act of 1953, which was the principal Act, and thus abolishes the Australian Atomic Energy Commission. The Atomic Energy Amendment Bill 1985 will leave a few of the powers that existed in the previous legislation. The provisions it leaves in force are the ones that require the reporting of proscribed—that is, nuclear—substances that are discovered and prohibit their production or possession and the powers that allow the Ranger uranium mine to operate.

The Bill also repeals the so-called outdated security provisions of the principal Act. The Australian Nuclear Science and Technology Organisation Bill updates, so it says, the role of the Australian nuclear authority from paving the way for nuclear energy exploitation to concentrating exclusively on the medical, scientific and industrial use of nuclear products and advising on nuclear matters. I wonder where the Government is going to get the uranium from for those purposes. Uranium is going to have to be mined somewhere in the world so that the authority can get uranium on which to perform these medical, scientific and industrial experiments. Apparently the Government does not mind unionists in other countries mining and processing uranium and getting it to the stage where we can import it, and then we will carry out the uses that are described here. I do not know whether we are allowed to use our Ranger uranium, but of course it would have to go overseas to be processed and then be brought back before it could be used here. I see that as an enormous inconsistency in the policy of the Government. The Bill also reorients the operation of the Atomic Energy Commission's successor towards a more commercial operation, empowering ANSTO to hold property, borrow money, form companies and partnerships and buy shares and securities so long as it has ministerial approval. In addition, an independent Nuclear Safety Bureau is also to be established to monitor the safety of ANSTO's operations, replacing the reg-

ulatory bureau of the Australian Atomic Energy Commission.

I congratulate the Government on recognising the important and irreplaceable role of nuclear technology in medicine, science and industry. Insofar as the legislation recognises that, it is commendable. It is a gratifying departure from the radiophobic hysteria of the greenies, the self-styled environmentalists and the left wing of the Australian Labor Party. Clearly, the Government has decided that its responsibilities to the Australian people outweigh the need to solicit the votes of the enemies of the wheel and, along with the decision to sell uranium to France, that represents a refreshing breath of reason. Unfortunately, this legislation does have an undesirable side—a socialist side, of course—in the area of ANSTO's commercial orientation. We are seeing more and more of these types of Bills going through the Federal Parliament. Maybe there is an ulterior motive. The principle of placing a qango on a quasi-commercial footing to save government funds or even to make money sounds great, even capitalistic, but it is a surprising act for a socialist government. The repetition of this commercialisation of qangos is proving an increasingly common and interesting act for the Federal Government. The latest one we created, or expanded, was the Commonwealth Serum Laboratories Commission.

I suppose the question must be asked as to whether the Government is trying to increase its financial efficiency or whether the commercialisation of these government organisations represents a devious means of expanding the financial control of the Government into the private sector. As the new commercial powers of organisations such as CSL and ANSTO allow them to expand, borrow money, buy shares and form partnerships it is entirely possible that they could extend octopus-like into a wide range of private industry activities, swallowing up private firms and growing like Topsy. The question must be asked whether the real purpose of the commercial orientation of ANSTO is to make it yet another surrogate of big government and an insidious form of de facto nationalisation of the industry. I have grave doubts about this aspect of the new authority.

My second concern is with the abolition of the so-called outdated security provisions of the Atomic Energy Act 1953. It is, indeed, ironic that while socialists are the most vehement opponents of abuse of nuclear science, they inevitably undermine the security provisions designed precisely to prevent it. The amendments to the

principal Act in this regard, including abolishing the prohibition on leaking restricted information and the oath of secrecy, represents another example of limp wristed socialist double think.

My third concern with this legislation relates to the fact that it precludes our involvement in any aspect of nuclear power research and development. While Australia may not require nuclear power yet, there are many commercial aspects of the fuel cycle of other countries' reactors in which we could participate. But this Government is allowing potentially large export markets to go totally untapped by precluding any involvement in the fuel enrichment or the waste disposal industry. All our commercially viable uranium deposits should be exploited—that goes without saying. In addition to missed commercial opportunities, these Bills will preclude research into future nuclear power sources. Tremendous advances are being made already by the Soviets and the Americans towards harnessing fusion power but, as usual, Australia is to be left on the sidelines. Fusion power represents the ultimate power source for the future. As I mentioned before, the same process occurs in the sun. The nuclear fusion of hydrogen to form helium could give the world limitless cheap, safe power once the present work to construct a containment field is completed. I hope that when this Government is defeated at the next election the coalition government which replaces it not only will permit mining and exploitation of all the economic yellowcake deposits in the country but also will amend this legislation to permit both Australian commercial participation in the nuclear fuel cycle and research into fusion power.

Finally and inevitably, this legislation demonstrates conclusively that members of the Government have buried their collective heads three feet below the ground on the issue of nuclear armaments. This legislation removes even our potential to develop nuclear weapons, should circumstances warrant it. Not only are we failing to help our American allies on the bold and visionary strategic defence initiative, but we are not even to have the capacity to develop nuclear weapons if threatened. If we have the capacity to develop nuclear weapons, potential enemies can never be sure that we do not already have those weapons. This legislation will simply announce to all and sundry that we are unarmed. Unlike this Government, which appears to have graduated from the Neville Chamberlain school of appeasement, *summa cum laude*, our northern neighbours do not subscribe to the fallacy that weakness leads to peace. A few hundred kilometres from our shores, communist Vietnam oc-

cupies its neighbours and has one of the largest armed forces in the world, bristling with Soviet nuclear missiles. It represents a staging point for ongoing Soviet expansionism in the South Pacific. This Russian satellite represents a potential threat to us.

Closer to home, the Philippines is gradually teetering towards civil war and the vacillation and confusion over the last year have only served the growing communist insurgency in that country. If the Philippines should fall to the NPA, which may well occur over the next five years, a hostile pro-Soviet nation would be even closer to us. Indonesia, which even now is building its third nuclear power plant of three times the capacity of our own Lucas Heights establishment, is not a threat to Australia at present. Despite the best efforts of the left wing of the Australian Labor Party and its media allies to antagonise Indonesia, Jakarta has shown much restraint. If however, these people should succeed in provoking the Indonesians in the future, or the Vietnamese empire should spread southwards, or if any one of a vast array of military possibilities conveniently ignored by the Dibb Review of Australia's Defence Capabilities should threaten us, thanks to this Bill we will be helpless. While we may not need nuclear weapons now the prohibition on developing even the capacity to produce such weapons in the future leaves us only the hope that the Americans would be able to come to our aid in time of crisis. This only serves to recall memories of when we relied totally on Fortress Singapore. Next time we may not be so lucky.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (9.40)—I thank the Senate for supporting the Australian Nuclear Science and Technology Organisation Bill and allied Bills. Much more is involved in this legislation, as has been acknowledged from the other side, than a mere change of name from the Australian Atomic Energy Commission to the Australian Nuclear Science and Technology Organisation. What is involved in the passage of this legislation is a quite fundamental change of direction, shape, identity and, I hope, spirit and morale in this Organisation.

For a number of years the Australian Atomic Energy Commission has had a very uncertain identity. Originally its path, its role, and its future seemed clear enough to develop for Australia the capacity to develop our own nuclear power industry, to do so in a defence context—maybe not to develop nuclear weapons which Senator Sheil, alone in the Senate, seems nos-

talig about but perhaps to have the capacity to do so. The Atomic Energy Act set up the Atomic Energy Commission and, having set the parameters within which it operated, the Commission reflects that kind of 1950s approach to the nuclear industry: Tremendous cold war orientation, great emphasis on security; a tremendous inward looking character about it; a tremendous sense of being engaged in work that was dangerous and secret, and all those things which bear very little resemblance to the reality that now exists. The reality in Australia, as has been increasingly recognised in recent years, is that whatever may be the proper future of nuclear power elsewhere, the development of nuclear energy capacity within Australia—power generation—simply does not make much sense, such are our resources of low cost and well located coal, which will last us for hundreds of years.

Senator MacGibbon—That is where your legal vision is so clouded.

Senator GARETH EVANS—I know Senator MacGibbon's wistful preoccupation with the Jervis Bay development, for which cancellation he has to thank not a Labor government, but a previous Liberal government. The reality is that while there may be all sorts of good reasons for Australia maintaining a capacity to understand, to monitor and so on developments in this area and to do a certain kind of research in it, there is no particular economic point that can be reasonably articulated in the development within Australia of a fully-fledged power generating nuclear energy industry. We have eschewed completely any role in nuclear weapons production—not as a result of this legislation, there is nothing new in this legislation about that—but from the commitments we have made on the international stage and elsewhere by virtue of our participation in the Treaty on the Non-Proliferation of Nuclear Weapons and the whole regime that is associated with that, which I did not understand Senator Sir John Carrick, to be disagreeing with. To that extent I think Senator Sheil's position within the Opposition is pretty isolated.

Senator Hamer—Why are you opposed to commercial uranium enrichment operations?

Senator GARETH EVANS—I shall come to that in a moment. What is needed is not a wistful harking back to a golden age that did not quite eventuate but which exists in the minds of a number of former directors and administrators of the organisation, nor a harking back to the sort of world that Senator Sheil would like to inhabit. What is necessary is a forward looking vision about a role for a very important

national research and development institution in areas where that institution can make a useful and vital contribution to the Australian economy and to Australian society in a number of different respects. What we are talking about essentially is a role in industry, agriculture, medicine and scientific research. There are many facets of that and, given the time, I shall not stop to explore them in detail, but there are many extremely useful things in all those areas that such an organisation can be doing. I say straightaway against that background that it is not a matter of the new Organisation completely eschewing any kind of involvement in the nuclear fuel cycle. We have specifically articulated a proper role for the Organisation with regard to the mining and milling end of the cycle, and certainly also with regard to the waste disposal end of the cycle. Synroc is not something to which we merely pay lip service, out of some sense of spurious obligation. I, for one, have a genuine belief in the vitality and viability of Synroc as a very important second generation, high level waste technology, the utility and future of which is being increasingly recognised as a result of the excellent work that has been done in the past, and which is continuing to be done now, in co-operation with three other countries—Japan, Italy and the United Kingdom.

So there is a future in those aspects of the fuel cycle. Certainly it is important to maintain a capacity to monitor and understand developments in relation to other aspects of the cycle and the technology that goes with it while acknowledging the reality that there is no point in talking about an Australian industry developing with regard to energy production. Despite the usual frenzy of phoney indignation from Senator Sir John Carrick, based on his perception of what he thought the Government and I might be about, and given his reading of the Bill and the second reading speech, there is a very clear willingness on my part to acknowledge—I do so now—a role for the Organisation in education and training and in maintaining that kind of technical competence and capacity.

It was against that background, with the need to spell some of this out in more detail than is appropriate in the stark legislative form with which we as a chamber are necessarily confronted, that I set in train the Review of the Australian Atomic Energy Commission, during its transitional phase to ANSTO, that was so ably chaired by Professor Collins, and which has so recently reported. I arranged to have the report printed and made available to the Senate so that it might contribute something construc-

tive to this debate. Regrettably, it does not even seem to have been read by Senator Sir John Carrick. It certainly did not inform much of his contribution to this debate.

One of the recommendations was for the adoption by ANSTO of a number of interim objectives. Let me say here and now that I regard this statement of the Collins Committee as a quite admirable statement of objectives. It is up to an incoming board to adopt them. I do not seek to impose them on the Organisation. But I say now that this seems to me to be exactly what the Organisation is all about. Let me read the formulation of objectives into the record:

ANSTO should adopt the following interim objectives:

1. To encourage and facilitate the utilisation of, and benefits from, nuclear science and technology in medicine, industry, commerce, agriculture, science, and the community at large.

That is the sort of stuff that is spelt out very clearly in the text of the legislation. But beyond that:

2. To maintain a national centre of scientific and technological competence in nuclear science and technology by
 - (a) developing and maintaining expertise in nuclear science and technology and in areas of relevance to nuclear science and technology
 - (b) undertaking research and development, and maintaining an awareness of overseas research and development, in areas relevant to nuclear science and technology
 - (c) establishing and operating major facilities related to nuclear science and technology, including reactors and accelerators.
3. To provide expert technical advice and information to the Government and the Australian community on matters relating to nuclear science and technology, including the Government's international initiatives in nuclear affairs.
4. To contribute to international endeavours to seek technical solutions to problems associated with nuclear activities including work on improving safeguards technology, nuclear waste management and the environmental impact of nuclear activities.

Coming back again to things that are more explicit in terms of the Bill:

5. To provide an appropriate range of commercial and technical services and products, including the supply of essential radioisotopes and radiopharmaceuticals.
6. To facilitate the training of scientific, technical and research workers and the establishment and award of scientific research studentships and fellowships in matters relating to nuclear science and technology.
7. To make its expertise and facilities available to educational institutions and other persons for the

conduct of research and of other activities related to nuclear science and technology.

So there it is. It is spelled out there in terms which I would accept and endorse, and which I think are totally consistent with the kinds of concerns that Senator Sir John Carrick, as I understood him, was articulating. True it is that the Bill is expressed in terms of the Organisation being guided by the science policy of the government of the day. True it is that the legislation is expressed, as one would expect it to be, in terms of adherence to directives from the government of the day as to research priorities and so on. But let me say here and now that within the framework of that legislation is that full range of things involved in developing and maintaining a scientific and technical competence in all these areas that I regard as absolutely integral to the Organisation's existence.

If the Organisation is to have credibility of course it is necessary to maintain its capacity to engage in full scale research across a wide spectrum. Whilst the HIFAR and the MOATA reactors certainly give it that capacity, it is necessary, if we are to maintain any kind of world status in this area of science, that we develop a national scale cyclotron. As was gracefully acknowledged by Senator Puplick, we have bitten on that objective and after years of its being talked about and argued about we have actually made the decision to go ahead and have allocated the first sums towards realising that vision. That again will be crucial to giving flesh and blood to the reality of this new Organisation.

Senator MacGibbon—Where will it be built?

Senator GARETH EVANS—It will be built at the Royal Prince Alfred Hospital in Sydney, not physically on the Lucas Heights site but run by ANSTO in conjunction with the hospital; the idea being that it will be available for immediate medical utilisation of the very short life isotopes. Also, it will be available for production of the whole range of medical and industrial isotopes that an organisation such as this needs to be able to produce. Much needs to be done in reshaping this Organisation to give it the outward orientation that I have talked about rather than the inward looking and, let us face it, rather paranoid view of the world that it has understandably had, given the way in which it has been defending itself against assaults from government or, more often over the last years, indifference from government. Much needs to be done in developing its research competence, ensuring that a new generation of young and able scientists take up the positions that will increasingly be

vacated by the older generation. Much needs to be done to develop its commercial orientation, not in pursuit, I say to Senator Sheil, of any grand socialist vision but simply in pursuit of the kind of financial efficiency and return on capital and funds invested that I think Senator Sheil would regard as simply sensible organisational practice, whether one is talking about the public or the private sector.

I think we have made a good start in getting the Organisation going with the review of Professor Collins and his very broadly based team, including trade unionists, internal representatives of the Government and the Public Service as well as industry and academe. It is a review which not only identified the interim objectives that I have read into the record but which also came to grips with the principles that need to be applied in determining priorities for the Organisation. It came to grips with a number of crucial questions about the Organisation and structure of the body itself that will need to be addressed by the new management structure when it comes into place.

I had hoped that this reshaping and reclothing of the Organisation would have proceeded beyond the second reading debate in the Senate given the number of months that this legislation has been lying around but the realities and frustrations of the legislative process in this Parliament have meant otherwise. Now it will not be until the first week or so after we resume in February that we can conclude this debate and get the legislation through the other House and get in place the new board structure and modified management structure that go with it. I reiterate that I am concerned to maintain the momentum that has been gradually built up over the last 12 months or so. The Government and I have a very strong commitment to genuinely rebuilding this Organisation as a world class research and development organisation, one that has the morale, the drive and the vision to succeed as a body that justifies that description. Accordingly, I commend the legislation to the Senate.

Question resolved in the affirmative.

Bill read a second time.

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

That consideration of the Bills in Committee of the Whole be made an order of the day for the next day of sitting.

ADJOURNMENT

Commonwealth Employment Service: South Australia

Motion (by Senator Gareth Evans) proposed:
That the Senate do now adjourn.

Senator JESSOP (South Australia) (9.55)—I would just like briefly to draw the Government's attention to some of the problems faced by Commonwealth Employment Service agents in rural areas of South Australia. I think these difficulties are probably experienced generally throughout Australia by CES agents. These agents are employed in rural towns in which the Government cannot afford to set up and staff a proper CES branch. Many years ago the difficulties of these agents were brought to the attention of the Minister of the day, Mr Clyde Cameron, by the then member for Angas, Mr Geoffrey O'Halloran Giles. He pointed out that CES agents were paid according to a mathematical points system which took into account the sorts of activities they undertook in order to find people jobs. Mr Cameron graded them as clerical officers, class 4, which comprised 12 classifications. The remuneration system then was well received and was fitted to the circumstances of the mid-1970s. Today it is totally inappropriate and the Commonwealth Ombudsman agrees that it is inappropriate. These CES agents are finding themselves working twice the number of hours for half the pay and they are out of pocket in some cases because they are not repaid for expenses such as rates on offices, rents on telephones, workers compensation, holiday pay, or sickness or long service leave for any people that they might have to employ to carry out the CES work.

These agents provide an invaluable service to the unemployed. Their contract states that the agent's offices should be open from 8.45 a.m. until 5 p.m. and most are closed for an hour during lunch. At the maximum rate under category 12 agents are paid for about 26 hours work per week. During the busy season in the Riverland and other fruit growing areas in South Australia these agents are working for the CES for more than twice this number of hours. But there is no provision for them to be paid for the extra hours that they put in. These agents also have to run their own businesses at the same time. Recently, one agent interviewed over 100 people in a day. These agents are also committed to taking their CES work home at nights and at weekends in

order to keep ahead. Phone calls associated with the CES are also received at weekends.

Changing circumstances have made the grades, classifications and remuneration for these CES agents outmoded. These agents do excellent work in finding jobs for the unemployed in their region. They have a good rapport with local businesses because they are involved in business themselves and they usually have their ears to the ground as far as the availability of jobs is concerned. I am convinced that their payment is very poor and that an agent who works hard at his CES work is disadvantaged because he is not provided with a suitable monetary reward.

I ask the Government and the Minister for Resources and Energy (Senator Gareth Evans) who is in the chamber, to alert the Minister for Employment and Industrial Relations (Mr Willis) to the difficulties that are being experienced by these grants, particularly as this is a very busy time of the year for them. They are conscientious but they feel that the Government is only using them. It must be recognised that it would cost the Government a lot more money to establish and staff proper CES offices in these country areas which are serviced by such agents. These people have written to the Minister, Mr Willis but, after putting up with these problems for years, they are becoming angry when all the Minister can say is that the Department is reviewing the issue. I request the Government to give this matter some urgent consideration.

Senator GARETH EVANS (Victoria—Minister for Resources and Energy) (10.00)—in reply—I thank Senator Jessop for his contribution. I will endeavour to ensure that it is brought to the attention of the Minister for Employment and Industrial Relations, Mr Willis, as he requested.

Question resolved in the affirmative.

Senate adjourned at 10 p.m.

PAPERS

The following papers were tabled:

Seat of Government (Administration) Act—Regulations 1986—No. 17 (Credit Ordinance)—Corrigendum to Explanatory Statement, tabled 16 September 1986.

Supported Accommodation Assistance Act—Variation to the Agreement between the Commonwealth of Australia and the Northern Territory, made on 24 February 1986, dated 25 November 1986.

GOVERNOR-GENERAL'S PROCLAMATION—COMMENCEMENT OF AN ACT: Proclamation by His Excellency the Governor-General was tabled, notifying that His Excellency had proclaimed the following Act to come into operation on the date specified.

Science and Industry Research Legislation Amendment Act 1986—5 December 1986 (*Gazette* No. S 622, 4 December 1986).

ANSWERS TO QUESTIONS

The following answers to questions were circulated:

Gall Fly
(Question No. 1331)

Senator Collard asked the Minister representing the Minister for Arts, Heritage and Environment, upon notice, on 20 August 1986:

(1) Has the Alan Fletcher Research Station in Queensland successfully concluded trials on a gall fly for the biological control of mist flower.

(2) Has the said gall fly successfully met Australian quarantine requirements.

(3) Has the Australian National Parks and Wildlife Service requested further tests before the gall fly can be released; if so why.

(4) Can the Minister for Arts, Heritage and Environment ensure that any decision to release the gall fly is expedited and give an early indication of when he expects such a decision, recognising the rate at which mist flower is spreading, and that currently the only method of control is by chemicals such as "Round Up" and "AF 302".

Senator Ryan—The Minister for Arts, Heritage and Environment has provided the following answer to the honourable senator's question:

(1) I understand that the Alan Fletcher Research Station in Queensland has concluded tests on the gall fly *Procecidochares alani* for the biological control of mist flower *Ageratina riparia*.

(2) The Australian Animal Health and Quarantine Service has advised that it has notified the Alan Fletcher Research Station that *P. alani* has met quarantine requirements and may be released from quarantine.

(3) No. The Australian National Parks and Wildlife Service (ANPWS) sought the advice of all State and Territory conservation agencies on the results obtained from the host-specificity tests conducted on *P. alani*. Both Queensland and New South Wales National Parks and Wildlife Services informed ANPWS that they wished to see host-specificity tests conducted on a wider range of species before approval to release *P. alani* was given. ANPWS wrote to the Alan Fletcher Research Station advising of the concerns expressed by those agencies.

The Research Station advised ANPWS that some of the additional tests were not necessary but that it would conduct host-specificity tests on some of the species suggested. Results of these tests were received by ANPWS on the 12 September 1986.

(4) ANPWS has provided these results to the Queensland and New South Wales National Parks and Wildlife Services and both Services have advised ANPWS that they have no objection to the release of *P. alani* in Australia. Based on this advice, ANPWS has written to the Alan Fletcher Research Station approving the release of *P. alani*.

Controller of Enemy Property
(Question No. 1369)

Senator Mason asked the Minister for Finance, upon notice, on 16 September 1986:

(1) What are the function or functions of the Statutory Authorities titled, Controller of Enemy Property.

(2) How many people are currently employed by the Authority on a part-time or a full-time basis.

(3) How many of these people are employed in an honorary capacity.

(4) To what extent is each Authority subsidised by the private sector, and what has been the cost to the Australian Government for maintaining the Authorities for each year of its existence.

(5) Is it a fact that each Authority is not required to produce an annual report, if so, why not.

Senator Walsh—The answer to the honourable senator's question is as follows:

(1) The Office of the Controller of Enemy Property was created under the National Security (Enemy Property) Regulations on 26 September 1939 to deal with all debts or other property held for, or due to, "enemy subjects" as defined in the Regulations and the Trading with the Enemy Act 1939 (as amended).

No enemy property from World War II is now held or administered by the Commonwealth. Such property, or the proceeds from its realisation, has long since been dealt with in accordance with the provisions of the relevant International Agreements and Treaties of Peace.

The Government has decided to repeal the principal legislation, the Trading with the Enemy Act 1939, and it is intended to give effect to that decision in the next Statute Law (Miscellaneous Amendments) Bill. Thus the Office of the Controller of Enemy Property, which has for some time been a purely nominal one and attached to an office occupied full-time on other normal duties, will cease to exist upon passage of that Bill.

(2) None.

(3) Not applicable.

(4) The Office of the Controller is not subsidised to any extent by the private sector. There are no records of the cost to the Australian Government for maintaining the Office for each year of its existence since 1939. In recent years, however, there have been no costs except for those associated with answering occasional inquiries from persons seeking to trace particular interests in the property of former enemy subjects.

(5) The legislation establishing the Office of the Controller of Enemy Property did not require the production of an annual report. In view of the fact that the Office has had no active functions for some years, and that the legislation was moribund, no point was seen in more recent times to introducing such a requirement.

Christmas Island: Mining

(Question No. 1428)

Senator Kilgariff asked the Minister representing the Minister for Territories, upon notice, on 14 October 1986:

(1) Are there any phosphate rich areas of Christmas Island which are not yet mined but which are considered to be of a sufficiently high quality phosphate to be mined; if so, what is the life expectancy for mining of these areas.

(2) Do these new potential mining areas include areas which are environmentally protected.

Senator Gietzelt—The Minister for Territories has provided the following answer to the honourable senator's question:

(1) Yes; 3-4 years.

(2) All uncleared tracts of rainforest on Christmas Island have environmental value recognised by the 1984-1990 Rainforest Clearing Agreement between the Australian National Parks and Wildlife Service (ANPWS) and the Phosphate Mining Corporation of Christmas Island. This Agreement defines those areas within which clearing may occur and totally excludes many areas of highly sensitive and endangered species habitat. All clearing plans must be submitted to ANPWS for full environmental consideration and approval before they can be implemented.

Fringe Benefits Tax

(Question No. 1474)

Senator Newman asked the Minister representing the Prime Minister, upon notice, on 23 October 1986:

(1) Can the Minister for Industry, Technology and Commerce advise what organisations were invited to consult with the Government on a review of the Fringe Benefits Tax last week.

(2) Can the Minister advise which of these organisations purported to represent small business

(3) Which organisations were refused permission to attend the review

(4) Why was COSBOA, which represents 130,000 small businesses, refused direct representation.

Senator Button—The Prime Minister has provided the following answer to the honourable senator's question:

(1) The following organisations were invited to consult with the Government on the review of the fringe benefits tax—

- The Confederation of Australian Industry
- The Business Council of Australia
- The Australian Council of Professions
- The Institute of Chartered Accountants
- The Australian Society of Accountants
- The Law Council of Australia
- The Taxation Institute of Australia
- The National Farmers Federation

Professor Bernard Marks was also invited to attend. With the exception of the National Farmers Federation, all those invited attended the consultations on 17 October.

(2) The Senator may not be aware that the four person delegation from the Confederation of Australian Industry included Mr John Fowler of the Small Business Association of Australia. While I am unable to speak for the business and professional organisations who attended the consultations of 17 October, I see no reason to doubt that the individuals present were able to articulate the concerns of employers, including small business employers. In particular, representatives of the legal and accounting professions drew attention to concerns raised by their small business clients. In addition to these particular consultations, I should point out that all written submissions from small business groups and other interested parties were carefully considered in the Government's review of administrative difficulties and unintended consequences associated with the implementations of the fringe benefits tax.

(3) In view of the need for the review to be conducted as expeditiously as possible, and because a wide range of material on administrative problems and unintended outcomes was already available, the Government saw no need to involve a large number of organisations in lengthy consultations. For these reasons, it was neither possible nor necessary for the Government to accede to, or record, every request for participation in the review.

(4) Answered in (2) and (3) above.

Budget Calculations: State Government Actions

Senator Walsh—On 24 September 1986 (*Hansard*, page 760) Senator Sir John Carrick asked me, as Minister representing the Treasurer, a question without notice concerning the Budget's estimated consumer price index increase figure of around 8 per cent and what portion of that was attributed to State government charges. The Treasurer has provided the following information in answer to the honourable senator's question:

The Budget forecast is for an increase in the Consumer Price Index of around 8 per cent for 1986-87 as a whole. This forecast was finalised just prior to the Budget and incorporated all available information on increases in State taxes and charges that had been announced up to that time and an allowance for other likely increases in State taxes and charges where specific information was not available. In all, increases in State taxes and charges were expected at Budget-time to contribute about one half of one percentage point to the increase in the CPI between the June quarters of 1986 and 1987.

In information released with the September quarter CPI on 23 October 1986, the Australian Bureau of Statistics estimates that selected State and local government charges contributed 0.25 percentage points to the increase in the CPI in the September quarter. After allowance for the seasonal pattern of these charges, increases in which are concentrated in the September

and December quarters, the September quarter result is consistent with the Budget forecast for the full year.

Imputation Legislation

Senator Button—On 12 November 1986 (*Hansard*, page 2009) Senator Siddons asked me a question concerning the introduction of the company excess distribution tax legislation. I undertook to provide him with details regarding the timing of the proposed Bills. The Prime Minister has supplied the following answer to the honourable senator's question:

The Company Excess Distribution Tax Bills are currently scheduled for introduction early in the Autumn Sittings 1987.

Tasmanian National Estate Forests

Senator Ryan—On 25 November 1986 (*Hansard*, page 2656) Senator Haines asked me, as the Minister representing the Minister for Arts, Heritage and Environment, the following question:

Is the Minister representing the Minister for Arts, Heritage and Environment aware of the fact that road building equipment and workers were present in the Lemonthyme in Tasmania as recently as last Friday? Can the Minister say whether these moves to extend the road as announced by the Tasmanian Forests Minister last week are in breach of the Memorandum of Understanding? Further, can the Minister say whether the small fire burning near the Lemonthyme roadworks in the middle of last week was lit as part of the management plan for the area? Finally, will the Minister urge the Prime Minister to accept the invitation extended to him by the Tasmanian Wilderness Society to visit the Tasmanian National Estate forest areas to

see at first hand what the effect of logging in these areas will be?

The Minister for Arts, Heritage and Environment has provided the following answer to the honourable senator's question:

The Minister has been informed that the Company previously involved in logging in the area has been carrying out maintenance of the roads constructed earlier this year in preparation for a resumption of logging should this be approved by the Forestry Commission.

The Minister has also been informed that advice has been received that the Tasmanian Government will not resume logging in the Lemonthyme until the consultative process under the Memorandum of Understanding arrangements has been concluded.

The honourable senator will be aware that the Minister for Primary Industry has subsequently received advice on the Lemonthyme State Forest from the Advisory Committee on Tasmanian Forestry Operations in which a majority of the Committee concluded that no further forestry operations should take place.

New Parliament House: Child Minding Facilities

Senator Button—On 28 November 1986 (*Hansard*, page 3013) Senator Powell asked me a question without notice regarding child care facilities at the new Parliament House. The Prime Minister has provided the following answer to the honourable senator's question.

Responsibility for general oversight of the design and construction of the new Parliament House lies with the Presiding Officers and the Parliament, through the Joint Standing Committee on the New Parliament House.

The Joint Standing Committee, through a special sub-committee, considered the question of a childcare facility within the precincts of the New Parliament House. I am advised the JSC has decided that no child care facility will be provided within the precincts.