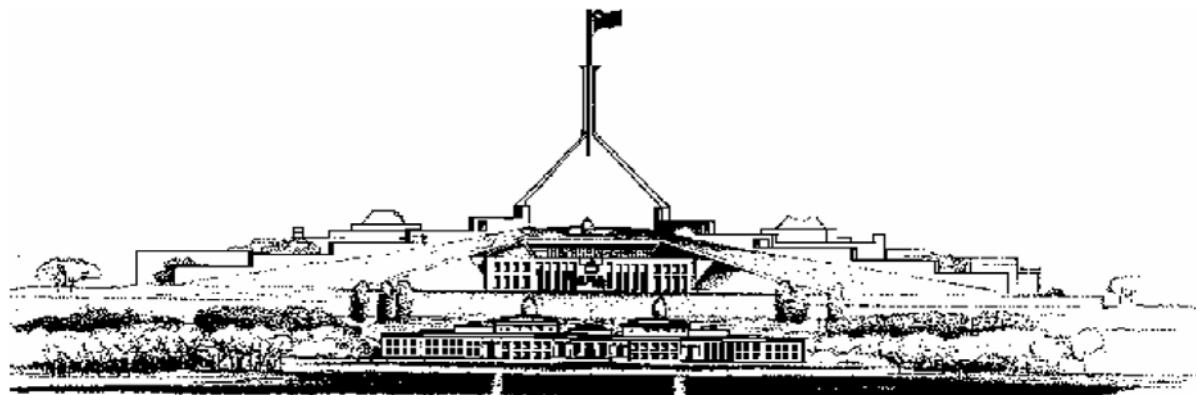




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 174, 1990
Friday, 21 December 1990

THIRTY-SIXTH PARLIAMENT
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

THIRTY-SIXTH PARLIAMENT

FIRST SESSION—SECOND PERIOD

Governor-General

His Excellency the Honourable William George Hayden, Companion of the Order of Australia, Governor-General of the Commonwealth of Australia.

House of Representatives Officeholders

Speaker—The Honourable Leo Boyce McLeay

Chairman of Committees—Mr Ronald Frederick Edwards

Deputy Chairman of Committees—Mr David Bruce Cowan,

Hon. James Donald Mathieson Dobie, Mr Stephen Cairfield Dubois, Mr Collin Hollis,

Mr Henry Alfred Jenkins, Hon. Michael John Randal MacKellar,

Mr Garry Barr Nehl, Hon. Gordon Glen Denton Scholes,

Mr Leslie James Scott and Mrs Kathryn Jean Sullivan

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Leader of the Opposition—Dr John Robert Hewson

Deputy Leader of the Opposition—Mr Peter Keaston Reith

Manager of Opposition Business—The Honourable Wallace Clyde Fife

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Robert James Lee Hawke, AC

Deputy Leader of the Australian Labor Party—The Honourable
Paul John Keating

Leader of the Liberal Party of Australia—Dr John Robert Hewson

Deputy Leader of the Liberal Party of Australia—Mr Peter Keaston Reith

Leader of the National Party of Australia—Mr Timothy Andrew Fischer

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

Members of the House of Representatives

Member	Division	Party	Member	Division	Party
Aldred, Kenneth James	Deakin, Vic.	LP	Duffy, Hon. Michael	Holt, Vic.	ALP
Anderson, John Duncan	Gwydir, NSW	NP	John		
Andrew, John Neil	Wakefield, SA	LP	Duncan, Hon. Peter	Makin, SA	ALP
Atkinson, Rodney Alexander	Isaacs, Vic.	LP	Edwards, Dr Harold Raymond	Berowra, NSW	LP
Bailey, Frances Esther	McEwen, Vic.	LP	Edwards, Ronald Frederick	Stirling, WA	ALP
Baldwin, Hon. Peter Jeremy	Sydney, NSW	ALP	Elliott, Robert Paul	Parramatta, NSW	ALP
Beale, Julian Howard	Bruce, Vic.	LP	Fatin, Hon. Wendy Frances	Brand, WA	ALP
Beazley, Hon. Kim Christian	Swan, WA	ALP	Ferguson, Laurie Donald Thomas	Reid, NSW	ALP
Beddall, Hon. David Peter	Rankin, Qld	ALP	Fife, Hon. Wallace Clyde	Hume, NSW	LP
Bevis, Archibald Ronald	Brisbane, Qld	ALP	Filing, Paul Anthony	Moore, WA	LP
Bilney, Hon. Gordon Neil	Kingston, SA	ALP	Fischer, Timothy Andrew	Farrer, NSW	NP
Blewett, Hon. Neal	Bonython, SA	ALP	Fisher, Peter Stanley	Mallee, Vic.	NP
Bradford, John Walter	McPherson, Qld	LP	Fitzgibbon, Eric John	Hunter, NSW	ALP
Braithwaite, Raymond Allen	Dawson, Qld	NP	Ford, Frank Allen	Dunkley, Vic.	LP
Brereton, Hon. Laurence John	Kingsford-Smith, NSW	ALP	Free, Hon. Ross Vincent	Lindsay, NSW	ALP
Broadbent, Russell Evan	Corinella, Vic.	LP	Gallus, Christine Anne	Hawker, SA	LP
Brown, Hon. Neil Anthony, QC	Menzies, Vic.	LP	Gayler, John	Leichhardt, Qld	ALP
Brown, Hon. Robert James	Charlton, NSW	ALP	Gear, George	Canning, WA	ALP
Burr, Maxwell Arthur	Lyons, Tas.	LP	Gibson, Garrie David	Moreton, Qld	ALP
Cadman, Alan Glyndwr	Mitchell, NSW	LP	Goodluck, Bruce John	Franklin, Tas.	LP
Cameron, Ewen Colin	Indi, Vic.	LP	Gorman, Russell Neville Joseph	Greenway, NSW	ALP
Campbell, Graeme	Kalgoorlie, WA	ALP	Grace, Edward Laurence	Fowler, NSW	ALP
Carlton, Hon. James Joseph	Mackellar, NSW	LP	Griffiths, Hon. Alan Gordon	Maribyrnong, Vic.	ALP
Catley, Dr Robert	Adelaide, SA	ALP	Hall, Raymond Steele	Boothby, SA	LP
Chaney, Hon. Frederick Michael	Pearce, WA	LP	Halverson, Robert George, OBE	Casey, Vic.	LP
Charles, Robert Edwin	La Trobe, Vic.	LP	Hand, Hon. Gerard Leslie	Melbourne, Vic.	ALP
Charlesworth, Dr Richard Ian, AM	Perth, WA	ALP	Hawke, Hon. Robert James Lee, AC	Wills, Vic.	ALP
Cobb, Michael Roy	Parkes, NSW	NP	Hawker, David Peter Maxwell	Wannon, Vic.	LP
Connolly, David Miles	Bradfield, NSW	LP	Hewson, Dr John Robert Hicks, Noel Jeffrey	Wentworth, NSW	LP
Costello, Peter Howard	Higgins, Vic.	LP		Riverina-Darling, NSW	NP
Courtice, Brian William	Hinkler, Qld	ALP	Holding, Hon. Allan Clyde	Melbourne Ports, Vic.	ALP
Cowan, David Bruce	Lyne, NSW	NP	Hollis, Colin	Throsby, NSW	ALP
Crawford, Mary Catherine	Forde, Qld	ALP	Howard, Hon. John Winston	Bennelong, NSW	LP
Crean, Hon. Simon Findlay	Hotham, Vic.	ALP	Howe, Hon. Brian Leslie	Batman, Vic.	ALP
Crosio, Hon. Janice Ann, MBE	Prospect, NSW	ALP	Hulls, Rob Justin	Kennedy, Qld	ALP
Darling, Elaine Elizabeth	Lilley, Qld	ALP	Humphreys, Hon. Benjamin Charles	Griffith, Qld	ALP
Dawkins, Hon. John Sydney	Fremantle, WA	ALP	Jakobsen, Carolyn Anne Jenkins, Henry Alfred	Cowan, WA	ALP
Dobie, Hon. James Donald Mathieson	Cook, NSW	LP	Johns, Gary Thomas	Scullin, Vic.	ALP
Downer, Alexander John Gosse	Mayo, SA	LP	Jones, Hon. Barry Owen	Petrie, Qld	ALP
Dubois, Stephen Cairfield	St George, NSW	ALP	Jull, David Francis	Lalor, Vic.	ALP
			Keating, Hon. Paul John Kelly, Hon. Roslyn Joan Kemp, Dr David Alistair	Fadden, Qld	LP
				Blaxland, NSW	ALP
				Canberra, ACT	ALP
				Goldstein, Vic.	LP

Members of the House of Representatives—*continued*

Member	Division	Party	Member	Division	Party
Kerin, Hon. John Charles	Werriwa, NSW	ALP	Ronaldson, Michael John	Ballarat, Vic.	LP
Kerr, Duncan James	Denison, Tas.	ALP	Clyde		
Langmore, John Vance	Fraser, ACT	ALP	Ruddock, Philip Maxwell	Dundas, NSW	LP
Lavarch, Michael Hugh	Fisher, Qld	ALP	Sawford, Rodney Weston	Port Adelaide, SA	ALP
Lee, Michael John	Dobell, NSW	ALP	Scholes, Hon. Gordon	Corio, Vic.	ALP
Lindsay, Eamon John, RFD	Herbert, Qld	ALP	Glen Denton		
Lloyd, Bruce	Murray, Vic.	NP	Sciacca, Hon. Con	Bowman, Qld	ALP
McArthur, Fergus Stewart	Corangamite, Vic.	LP	Scott, Bruce Craig	Maranoa, Qld	NP
McGauran, Peter John	Gippsland, Vic.	NP	Scott, John Lyden	Hindmarsh, SA	ALP
McHugh, Jeanette	Phillip, NSW	ALP	Scott, Leslie James	Oxley, Qld	ALP
MacKellar, Hon. Michael John Randal	Warringah, NSW	LP	Shack, Peter Donald	Tangney, WA	LP
McLachlan, Ian Murray	Barker, SA	LP	Sharp, John Randall	Gilmore, NSW	NP
McLeay, Hon. Leo Boyce	Grayndler, NSW	ALP	Simmons, Hon. David William	Calare, NSW	ALP
Mack, Edward Carrington	North Sydney, NSW	Ind.	Sinclair, Rt Hon. Ian McCahon	New England, NSW	NP
Martin, Stephen Paul	Macarthur, NSW	ALP	Smith, Warwick Leslie	Bass, Tas.	LP
Melham, Daryl	Banks, NSW	ALP	Snow, James Henry	Eden-Monaro, NSW	ALP
Miles, Christopher Gordon	Braddon, Tas.	LP	Snowdon, Hon. Warren Edward	Northern Territory	ALP
Moore, Hon. John Colinton	Ryan, Qld	LP	Somlyay, Alexander Michael	Fairfax, Qld	LP
Morris, Allan Agapitos	Newcastle, NSW	ALP	Staples, Hon. Peter Richard	Jagajaga, Vic.	ALP
Morris, Hon. Peter Frederick	Shortland, NSW	ALP	Sullivan, Kathryn Jean	Moncrieff, Qld	LP
Nehl, Garry Barr	Cowper, NSW	NP	Taylor, William Leonard	Groom, Qld	LP
Newell, Neville Joseph	Richmond, NSW	ALP	Theophanous, Dr Andrew Charles	Calwell, Vic.	ALP
Nugent, Peter Edward	Aston, Vic.	LP	Tickner, Hon. Robert Edward	Hughes, NSW	ALP
O'Keefe, Neil Patrick	Burke, Vic.	ALP	Truss, Warren Errol	Wide Bay, Qld	NP
O'Neil, Lloyd Reginald Terrence	Grey, SA	ALP	Tuckey, Charles Wilson	O'Connor, WA	LP
Peacock, Hon. Andrew Sharp	Kooyong, Vic.	LP	Walker, Francis John, QC	Robertson, NSW	ALP
Price, Leo Roger Spurway	Chifley, NSW	ALP	Webster, Alasdair Paine	Macquarie, NSW	LP
Prosser, Geoffrey Daniel	Forrest, WA	LP	West, Hon. Stewart John	Cunningham, NSW	ALP
Punch, Hon. Gary Francis	Barton, NSW	ALP	Willis, Hon. Ralph	Gellibrand, Vic.	ALP
Reid, Hon. Nicholas Bruce	Bendigo, Vic.	LP	Wilson, Hon. Ian Bonython Cameron	Sturt, SA	LP
Reith, Peter Keaston	Flinders, Vic.	LP	Woods, Harry Francis	Page, NSW	ALP
Riggall, John Peter	McMillan, Vic.	LP	Woods, Dr Robert Leslie	Lowe, NSW	LP
Rocher, Allan Charles	Curtin, WA	LP	Wooldridge, Dr Michael Richard Lewis	Chisholm, Vic.	LP
			Wright, Keith Webb	Capricornia, Qld	ALP

PARTY ABBREVIATIONS

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

Fourth Hawke Ministry

- * Prime Minister
The Honourable Robert James Lee Hawke, AC
- * Deputy Prime Minister, Treasurer, and Minister assisting the Prime Minister for Commonwealth State Relations
The Honourable Paul John Keating
- * Leader of the Government in the Senate and Minister for Industry, Technology and Commerce
Senator the Honourable John Norman Button
- * Deputy Leader of the Government in the Senate and Minister for Foreign Affairs and Trade
Senator the Honourable Gareth John Evans, QC
- * Minister for Finance
The Honourable Ralph Willis
- * Attorney-General
The Honourable Michael John Duffy
- * Minister for Employment, Education and Training
The Honourable John Sydney Dawkins
- * Minister for Transport and Communications, Vice-President of the Executive Council and Leader of the House
The Honourable Kim Christian Beazley
- * Minister for Primary Industries and Energy
The Honourable John Charles Kerin
- * Minister for Community Services and Health and Minister Assisting the Prime Minister for Social Justice
The Honourable Brian Leslie Howe
- * Minister for Trade Negotiations, Minister Assisting the Minister for Industry, Technology and Commerce and Minister Assisting the Minister for Primary Industries and Energy
The Honourable Neal Blewett
- * Minister for Social Security
Senator The Honourable Graham Frederick Richardson
- * Minister for Defence and Manager of Government Business in the Senate
Senator the Honourable Robert Francis Ray
- * Minister for Immigration, Local Government and Ethnic Affairs and Minister Assisting the Prime Minister for Multicultural Affairs
The Honourable Gerard Leslie Hand
- * Minister for the Arts, Sport, the Environment, Tourism and Territories
The Honourable Roslyn Joan Kelly
- * Minister for Industrial Relations and Minister Assisting the Prime Minister for Public Service Matters
Senator the Honourable Peter Francis Salmon Cook
- * Minister for Administrative Services
Senator the Honourable Nick Bolkus
- Minister for Justice and Consumer Affairs
Senator the Honourable Michael Carter Tate
- Minister for Aged, Family and Health Services
The Honourable Peter Richard Staples
- Minister for Veterans' Affairs
The Honourable Benjamin Charles Humphreys
- Minister for Land Transport
The Honourable Robert James Brown
- Minister for the Arts, Tourism and Territories
The Honourable David William Simmons
- Minister for Higher Education and Employment Services
The Honourable Peter Jeremy Baldwin
- Minister for Small Business and Customs
The Honourable David Peter Beddall
- Minister for Defence Science and Personnel
The Honourable Gordon Neil Bilney
- Minister for Shipping and Aviation Support and Minister Assisting the Prime Minister for Northern Australia
Senator the Honourable Robert Lindsay Collins
- Minister for Science and Technology, Minister Assisting the Prime Minister for Science and Minister Assisting the Treasurer
The Honourable Simon Findlay Crean
- Minister for Local Government and Minister Assisting the Prime Minister for the Status of Women
The Honourable Wendy Frances Fatin
- Minister for Resources
The Honourable Alan Gordon Griffiths
- Minister for Aboriginal Affairs
The Honourable Robert Edward Tickner
- Parliamentary Secretary to the Prime Minister
The Honourable Ross Vincent Free
- Parliamentary Secretary to the Treasurer
Senator the Honourable Robert Francis McMullan
- Parliamentary Secretary to the Minister for Social Security
The Honourable Con Sciacca
- Parliamentary Secretary to the Minister for Transport and Communications
The Honourable Warren Edward Snowdon
- * Minister in the Cabinet

THE COMMITTEES OF THE SESSION

FIRST SESSION: SECOND PERIOD

STANDING COMMITTEES

ABORIGINAL AFFAIRS—Mr Kerr (*Chairman*), Mr Anderson, Mr Gibson, Mr Lavarch, Mr Nugent, Mr Riggall, Mr Sawford, Mr L. J. Scott, Mr Snowdon, Dr Wooldridge. (Mr Gayler and Mr Webster to serve on committee during consideration of inquiry into support services for Aboriginal and Torres Strait Island communities.)

COMMUNITY AFFAIRS—Mr Jenkins (*Chairman*), Mrs Bailey, Dr Catley, Mr Cowan, Mrs Crosio, Mr Elliott, Mrs Gallus, Mr Goodluck, Mrs Jakobsen, Mr Johns, Mr Walker, Mr Wilson.

EMPLOYMENT, EDUCATION AND TRAINING—Mr Price (*Chairman*), Mr Anderson, Mr Atkinson, Mr Bevis, Mr Bradford, Mr Charles, Ms Crawford, Mr Gibson, Mrs Jakobsen, Mr Jones, Mr Sawford, Mr B. C. Scott.

ENVIRONMENT, RECREATION AND THE ARTS—Ms McHugh (*Chairman*), Dr Charlesworth, Mrs Darling, Mr Dobie, Mr Dubois, Mr R. F. Edwards, Mr P. S. Fisher, Mrs Gallus, Mr Gear, Mr Jenkins, Mr Newell, Mr Truss, Mr Webster.

FINANCE AND PUBLIC ADMINISTRATION—Mr Martin (*Chairman*), Mr Andrew, Mr Beale, Mr Braithwaite, Dr Charlesworth, Mr Courtice, Mr Downer, Mr Dubois, Mr R. F. Edwards, Mr Elliott, Mr Gear, Mr Hall, Mr Wilson.

HOUSE—The Speaker, Mr Hollis, Mr Lloyd, Mr MacKellar, Mr Martin, Mr Nehl, Mr Price, Mrs Sullivan.

INDUSTRY, SCIENCE AND TECHNOLOGY—Mr Lee (*Chairman*), Mr Campbell, Mr Cobb, Mr Ferguson, Mr Ford, Mr Gibson, Mr Grace, Mr Jenkins, Mr Jones, Mr McArthur, Mr Nugent, Mr Reid, Mr L. J. Scott.

LEGAL AND CONSTITUTIONAL AFFAIRS—Mr Lavarch (*Chairman*), Mr N. A. Brown, Mr Cadman, Dr Charlesworth, Mr Costello, Mr Kerr, Mr Martin, Mr Melham, Mr Scholes, Mr Sinclair, Mr Smith, Mr Wright,

LIBRARY—The Speaker, Mrs Bailey, Mr Fitzgibbon, Mr Hollis, Mr Jones, Mr Ronaldson, Mr Truss.

LONG TERM STRATEGIES—Mr Jones (*Chairman*), Mr Atkinson, Mr Bevis, Mr Bradford, Mr Broadbent, Dr Catley, Mr Dobie, Mr Ferguson, Mr Johns, Mr A. A. Morris, Mr Nehl, Mr O'Neil, Mr Snow.

MEMBERS' INTEREST—Mr Dubois (*Chairman*), Mr Connolly, Mr Cowan, Mr Lindsay, Mr L. J. Scott, Mr O'Neil, Mr Ruddock.

PRIVILEGES—Mr Gear (*Chairman*), Mr N. A. Brown, Mr Costello, Mrs Crosio, Mr Johns, Mr Lavarch, Mr McGauran, Mr Snow, Mr Snowdon.

PROCEDURE—Mr Scholes (*Chairman*), Mr R. F. Edwards, Mr Grace, Mr Hollis, Mr Rocher, Mr Shack, Mr Truss, Mr Walker.

PUBLICATIONS—Mr Gorman (*Chairman*), Dr H. R. Edwards, Mr Filing, Mr P. S. Fisher, Mr Fitzgibbon, Mr Gear, Mr Gibson.

SELECTION—Mr R. F. Edwards (*Chairman*), Mr Andrew, Mr Burr, Mr Gear, Mr Grace, Mr Halverson, Mr Hicks, Mr Hollis, Mr Kerr, Mr Langmore, Mr Nehl.

TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—Mr P. F. Morris (*Chairman*), Mr Anderson, Mr Cadman, Mr Cameron, Mr Campbell, Mr Elliott, Mr Gorman, Mr Hawker, Mr Hollis, Mr Lee, Mr Mack, Mr L. J. Scott, Mr H. F. Woods.

JOINT STATUTORY COMMITTEES

AUSTRALIAN SECURITY INTELLIGENCE ORGANIZATION—Mr Wright (*Presiding Member*), Mr Duncan, Mr Langmore, Mr McGauran, Senator Coulter, Senator MacGibbon, Senator Zakharov.

BROADCASTING OF PARLIAMENTARY PROCEEDINGS—The Speaker, the Persident, Mrs Darling, Mr R. F. Edwards, Mr Hicks, Mr Jull, Mr Price, Senator Coates, Senator Vanstone.

NATIONAL CRIME AUTHORITY—Mr Lindsay (*Chairman*), Mr Filing, Mr McGauran, Mr Melham, Mr O'Keefe, Mr Sinclair, Senator Crighton-Browne, Senator Jones, Senator Loosley, Senator Reynolds, Senator Spindler, Senator Vanstone.

PUBLIC ACCOUNTS—Mr Punch (*Chairman*), Mr Aldred, Mrs Crosio, Mr Fitzgibbon, Mr Kerr, Mr Langmore, Mr Nehl, Mr Punch, Mr L. J. Scott, Mr Shack, Mr Somlyay, Senator Bishop, Senator Giles, Senator Loosley, Senator Reynolds, Senator Schacht, Senator Watson.

PUBLIC WORKS—Mr Hollis (*Chairman*), Mr Cameron, Mr Gorman, Mr O'Neil, Mr B. C. Scott, Mr Taylor, Senator Burns, Senator Calvert, Senator Devereux.

JOINT COMMITTEES

AUSTRALIAN CAPITAL TERRITORY—Mr Langmore (*Chairman*), Mr Elliott, Mr Moore, Mr Scholes, Mr Sharp, Senator Aulich, Senator Bell, Senator Devlin, Senator Parer, Senator Reid, Senator West.

FOREIGN AFFAIRS, DEFENCE AND TRADE—Senator Schacht (*Chairman*), Mr Bevis, Mr Connolly, Mr Dubois, Dr H. R. Edwards, Mr Ferguson, Mr Fitzgibbon, Mr Halverson, Mr Hicks, Mr Hollis Mr Langmore, Mr Lee, Mr Lindsay, Mr MacKellar, Mr Moore, Mr Punch, Mr L. J. Scott, Mr Sinclair, Mr Taylor, Dr Theophanous, Senator Beahan, Senator Brownhill, Senator Chapman, Senator Childs, Senator Crichton-Browne, Senator Jones, Senator MacGibbon, Senator Maguire, Senator McLean, Senator Vallentine.

JOINT STANDING COMMITTEES

ELECTORAL MATTERS—Mr Brereton (*Chairman*), Dr Catley, Mr Cobb, Mr Melham, Mr Miles, Senator Beahan, Senator Bell, Senator Faulkner, Senator Harradine, Senator Kemp, Senator Kernot, Senator Short.

MIGRATION REGULATIONS—Dr Theophanous (*Chairman*), Mr Burr, Dr Catley, Mr Holding, Mr Ruddock, Mr Sinclair, Mr Wilson, Senator Cooney, Senator McKiernan, Senator Olsen, Senator Spindler.

PARLIAMENTARY DEPARTMENTS

SENATE

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Deputy Clerk of the Senate—A. Lynch
Clerk Assistant (Table)—M. Cornwall
Clerk Assistant (Management)—J. Vander Wyk
Clerk Assistant (Procedure)—C. J. C. Elliott
Clerk Assistant (Committees)—P. O'Keefe
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)—I. C. Cochran
Clerk Assistant (Committees)—B. C. Wright
Clerk Assistant (Table)—J. W. Pender
Clerk Assistant (Administration)—M. W. Salkeld
Serjeant-at-Arms—P. Bergin

PARLIAMENTARY REPORTING STAFF

Principal Parliamentary Reporter—J. W. Templeton
Chief Hansard Reporter—B. A. Harris
Acting Assistant Chief Reporter (House of Representatives)—M. A. R. McGregor
Acting Assistant Chief Reporter (Senate)—K. B. Ryder

LIBRARY

Parliamentary Librarian—H. de S. C. MacLean

JOINT HOUSE

Secretary—M. W. Bolton

Friday, 21 December 1990

Mr SPEAKER (Hon. Leo McLeay) took the chair at 9 a.m., and read prayers.

PRESENTATION OF PAPERS

Mr BEAZLEY (Swan—Leader of the House)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in *Hansard* and the *Votes and Proceedings*.

The schedule read as follows—

Horticultural Policy Council—Annual Report 1989-90—section 28 of the Horticultural Policy Council Act 1988.

Australian Agricultural and Veterinary Chemicals Council—Annual Report 1989-90—section 47 of the Agricultural and Veterinary Chemicals Act 1988.

Government Response to the Report of the National Committee on Violence.

The Australian National Maritime Museum—Report on Activities for the year ending 30 June 1990.

National Legal Aid Advisory Committee—Annual Report 1989-90—section 18 of the Commonwealth Legal Aid Act 1977.

National Legal Aid Representative Council—Annual Report 1989-90—section 18 of the Commonwealth Legal Aid Act 1977.

Legal Aid and the Australian Community—a report by the National Legal Aid Advisory Committee.

Government Response to a Report by the National Legal Aid Advisory Committee—Legal Aid and the Australian Community.

National Capital Planning Authority—National Capital Plan—December 1990

—Report

—Appendices

—section 22 of the Australian Capital Territory (Planning and Land Management) Act 1988.

Annual Statement on the Aid Program 1990—Minister for Foreign Affairs and Trade, Senator the Hon Gareth Evans QC.

Department of Defence—Schedule of Special Purpose Flights—1 January 1990-30 June 1990.

TRADE PRACTICES AMENDMENT BILL 1990

Bill presented by Mr Duffy, and read a first time.

Second Reading

Mr DUFFY (Holt—Attorney-General) (9.01)—I move:

That the Bill be now read a second time.

The purpose of this Bill is to amend section 50, the mergers and acquisitions provision, of the Trade Practices Act to overcome an omission which has become apparent in the coverage of the provision, and to make several other improvements.

Section 50 prohibits acquisitions of shares or assets which result in a corporation either obtaining, or substantially strengthening, a position of dominance in a substantial market in Australia. In determining whether a position of dominance or strengthened dominance would result, the section permits the aggregation of market shares of companies that are related to or associated with the acquiring corporation. The section defines an associated body corporate in terms of one body corporate being in a position to exert a substantial degree of influence over another.

I have in recent months discussed with the Chairman of the Trade Practices Commission, Professor Baxt, his concerns that an aspect of the judgment in *Trade Practices Commission v Australian Iron and Steel and Ors—the New Zealand Steel case*—disclosed a deficiency in the merger provision. The case itself was settled, but in the course of a judgment on some aspects of the case, the court expressed its views on the meaning of the words ‘directly or indirectly’ in subsection 50 (1). This subsection prohibits a corporation from directly or indirectly acquiring shares or assets in a body corporate if a position of dominance would result.

The Court interpreted the word ‘indirectly’ as applying only to a situation where an acquisition was made by another entity as agent for the corporation. In other words it would not be an indirect acquisition by the corporation where a subsidiary or associated company acquired assets or shares in a target company in circumstances where it could not be said it was acting as agent for its controlling company. Accepting this interpretation, the question then is what action,

if any, could be taken under section 50 to prevent an acquisition which might be structured through a subsidiary or an associated company. Where the subsidiary or associated acquiring company is itself a trading, financial or foreign corporation, action can be taken directly against it, with the market positions of all associated and related companies, including the holding or controlling company, taken into account in determining dominance. However where the acquisition is by a body corporate that is not a corporation action cannot be taken against it using the aggregation provisions. The insertion of the new section 50 (1AA) will plug this gap.

The Government is taking the opportunity to put forward some other amendments to the section to improve its internal consistency. An infringement takes place where as a result of an acquisition the relevant acquirer would be or would be likely to be in a position of dominance or strengthened dominance. However the concept of likely effect is not consistently applied in the section and the amendments will remedy this. Also the section is not consistent in its reference to associated companies and again the Bill addresses this.

The Government believes these amendments are desirable to ensure that Australian competition law as embodied in the Trade Practices Act continues to be effective, and that any window of opportunity available to exploit any weakness in the Act is firmly closed. The Bill is expressed to come into operation from today. I consider it appropriate that some retrospective effect be given to the measure, to ensure that advantage is not taken of the gap before the Bill becomes law.

I present the explanatory memorandum to this Bill, and commend the Bill to the House.

Debate (on motion by Mr Jull) adjourned.

CONSTRUCTION OF AUSTRALIAN EMBASSY COMPLEX IN JAKARTA, INDONESIA

Reference to Public Works Committee

Mr BEDDALL (Rankin—Minister for Small Business and Customs) (9.05)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of an Australian Embassy complex in Jakarta, Indonesia.

The proposal to be referred to the Committee is for the construction of a permanent chancery to replace the present inadequate chancery and recreation facilities. The construction will be on the recently acquired site at Jalan Rasuna Said in the Jakarta central business district. The site is in a prestige area close to a number of other diplomatic missions and Indonesian Government departments.

The present five-storey chancery building at Jalan Thamrin was opened on Australia Day 1967. The services in the building are reaching the end of their economic life. A large shopping and hotel complex has recently been constructed beside and behind the chancery such that our grounds and building are overlooked by the new development.

The growth of Australia's relationship with Indonesia has resulted in a substantial increase in the Embassy's staffing over the intervening period since we first occupied the present chancery. Consequently more than half of the Embassy staff are housed in expensive leased office accommodation. There is an urgent need for a new chancery to accommodate all the Embassy functions in a country which is arguably one of our most important neighbours. The main elements of the proposal are:

- a four level chancery building;
- recreation facilities to replace similar facilities at the present chancery site;
- and
- staff and visitor car parking.

The design of the buildings has regard to climate and local building practice, and

is based on simple construction techniques. Australian Construction Services will produce an initial concept design on which selected construction firms will tender for completion of the documentation and construction. The opportunity has been given to Australian building construction firms with substantial interests in Jakarta to prequalify for the project. Local materials and building technology will be utilised wherever possible but where imported materials and equipment are required, emphasis will be given to importing items of Australian origin. The estimated cost of the proposed work including consultants' fees is \$13.2m at July 1990 prices.

I table outline plans of the proposed work and commend the motion to the House.

Question resolved in the affirmative.

NURSING HOMES

Form of Agreement

Message received from the Senate intimating that, in accordance with subsection 40AAB(5) of the National Health Act 1953, the Senate has approved the form of agreement between residents and proprietors of approved nursing homes, presented to the Senate on 18 September 1990, with amendments.

Ordered that the amendments be taken into consideration in Committee of the Whole House forthwith.

In Committee

Senate amendments—

No. 1—INTERPRETATION, delete the clause under this heading, substitute the following:

INTERPRETATION

The Charter of Residents' Rights and Responsibilities is Schedule 1 to this Agreement and this Agreement shall be interpreted so as to accord with the principles contained in that Charter.

In this Agreement unless the contrary intention appears:

- “Department” means the Department of State of the Commonwealth that is administered by the Minister for the time being administering the Act or as otherwise defined.

- “Exempt Bed” means a bed in respect of which exempt status has been granted pursuant to section 39AB of the Act.
- “Minister” means the Minister responsible for the administration of the Act.
- “Overall Management” includes residents' rights and responsibilities, house rules, standards of behaviour, privacy matters, and any other matters that residents and management agree should be included.
- “Reprisal” includes termination or threatened termination of this Agreement, restriction of any rights, restriction of access to activities inside or outside the nursing home and punishment of any sort including the deprivation or withdrawal of any service or privilege or the limiting of a service or privilege or the reduction of a standard of service, but does not include provision of additional services or better accommodation to an exempt resident than that which is given to a non-exempt resident.
- “Resident” has the same meaning as “qualified nursing home patient” defined in the Act and includes where appropriate her/his legally appointed attorney, guardian, manager or next of kin nominated by the resident.
- “Rules of the Nursing Home” mean the house rules as adopted or amended from time to time.
- “Secretary” means the Secretary to the Department.
- “Standards for Nursing Home Care” means standards prescribed by the Minister in the Commonwealth of Australia *Gazette* under the Act and which are commonly known as Outcome Standards.
- “The Act” means the *National Health Act 1953* as amended from time to time including amendments made after the date of this Agreement.
- “The-proprietor” means the proprietor from time to time of the . . . nursing home.
- Words, terms and expressions used have the same meaning as in the Act.

No. 2—INTERPRETATION, after “principles contained in that Charter.”, insert as a new second paragraph:

“This Agreement is not intended to put a proprietor in a position where she or he is condoning a particular choice of the resident, rather it upholds the resident's right to, of her or his own free will, make that choice.”

No. 3—Subclause 1.1, after “on”, insert “and from”.

No. 4—Subclause 1.3, after “signed”, insert “or after the day on which the resident moved into the nursing home, whichever is the earlier.”.

No. 5—Paragraph 1.3 (b), after “resident contribution”, insert “and extra charges as levied in accordance with clause 5”.

No. 6—Paragraph 1.3 (c), after “resident contribution”, insert “and extra charges as levied in accordance with clause 5” and omit “is”, substitute “are”.

No. 7—Paragraph 3.1(b), omit “and” (last occurring) and paragraph 3.1 (c), omit “;”, substitute “; and”.

No. 8—After paragraph 3.1 (c), add the following paragraph:

“(d) where there is a residents’ committee that wishes to be involved in the preparation or amendment of the rules then the proprietor shall develop or amend the rules to reach agreement with the committee. Failing agreement the resident or the proprietor may take the matter to the internal disputes committee under Clause 23.”.

No. 9—at end of Clause 3, add the following subclause:

“3.2 The proprietor has an obligation to bring to the attention of the resident the rules of the nursing home.”.

No. 10—Subclause 4.1, after “shall provide to the resident”, insert “nursing home”, omit the comma after “care,” and after “care”, insert “and”.

No. 11—Paragraph 4.1 (b), omit “to the standard”, substitute “not less than the standard”.

No. 12—Paragraph 4.1 (b), after “Agreement”, omit “;”, substitute “; and”.

No. 13—After paragraph 4.1 (b), add the following paragraph:

(c) which, subject to paragraph 21 .3(a), are appropriate to the resident’s needs.”.

No. 14—Subclause 4.2, omit “other” and omit all words after “Clause 5”, insert “and the proprietor shall set out a list of the services, facilities and goods ordered by the resident in a document which shall then be attached to the Agreement and shall be amended from time to time to reflect the changing requirements of the resident.”.

No. 15—at end of clause 4, add the following subclause:

“4.3 This Agreement, the Charter of Residents’ Rights and Responsibilities, any explanatory notes or materials issued by the Department or the Minister relating to the Agreement or Charter and a copy of the Standards applicable to nursing homes made by the Minister under section 45D of the Act shall be available within the nursing home for

perusal and copying by the resident and his/her advocate.”.

No. 16—Paragraph 5.1 (d), omit “Department”, substitute “Secretary”.

No. 17—Subclause 5.2, after “facilities and goods” (second occurring), insert “, plus any actual delivery costs charged by an external supplier.”.

No. 18—After subclause 5.2, insert the following subclauses:

“5.3 The services, facilities and goods requested by the resident in accordance with the Act shall be freely requested without any undue influence from the proprietor.

5.4 The resident shall have the right to request a review of his/her extra charges at any time.”.

No. 19—Subclause 5.3, omit “5.3”, substitute “5.5”.

No. 20—Clause 6, omit the clause, substitute the following clause:

6. FREEDOM FROM ABUSE AND REPRISAL

6.1 The proprietor shall not:

(a) inflict on the resident physical abuse, assault, wrongful confinement, mental or emotional abuse or exploitation, cruel, inhumane, degrading or humiliating treatment;

(b) exploit the property of the resident;

(c) harass, victimise, punish or inflict reprisal on, the resident; or

(d) neglect or abandon the resident.

6.2 The proprietor shall use the proprietor’s best endeavours to ensure that the resident is not subjected to treatment of the kind described in paragraphs 6.1 (a), (b), (c) and (d) by any third party whilst the resident is present in the nursing home.”.

No. 21—Clause 7, omit the clause, substitute the following clause:

7. PRIVACY

7.1 The proprietor shall not unlawfully or arbitrarily infringe upon the personal privacy of the resident in the resident’s personal space, personal records, personal possessions, personal relationships or personal communications.

7.2 The proprietor shall use the proprietor’s best endeavours to ensure that third parties do not infringe upon the personal privacy of the resident in the matters specified in subclause 7.1.

7.3 The proprietor shall not unlawfully or arbitrarily infringe upon the personal privacy of the resident in the personal

care of the resident and information about the resident's condition and care that is in the possession of the proprietor shall be kept confidential by the proprietor.”.

No. 22—Subclause 8.1, omit “by those in, and coming into the nursing home” and omit “to” after “an individual and”.

No. 23—Subclause 8.2, omit “decision”, substitute “decision-making”.

No. 24—Subclause 8.2, omit “actions are likely to seriously endanger or harm others or unless there is a bona fide medical need for such restriction certified by a medical practitioner”, substitute “prevention or restriction is lawful, including on medical grounds”.

No. 25—Subclause 8.3, omit “has” after “treated with respect, and”, substitute “have”.

No. 26—Subclause 8.3, after “nursing home staff and other residents”, insert “. This sub-clause is not breached by any action by a religious body operating a nursing home that is taken in good faith in accordance with the doctrines, tenets, beliefs or teachings of the religion of that religious body, being an action taken in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion.”.

No. 27—Subclause 9.3, after “birth or other status”, insert “This subclause is not breached by an action by a religious body operating a nursing home that is taken in good faith in accordance with the doctrines, tenets, beliefs or teachings of the religion of that religious body, being an action taken in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion.”.

No. 28—Clause 10, after “The resident has the right”, insert “to”.

No. 29—Subclause 10.1, omit “except on the ground of medical necessity”, substitute “unless permitted by law”.

No. 30—Subclause 10.2, before “have access to medical”, insert “subject to the following,” and after “services of her/his choice”, omit “. Where the proprietor of a nursing home is a religious body the proprietor may—

- (a) bring to the attention of the resident and of any medical practitioner seeking to practice in the nursing home the doctrines, tenets, beliefs and teachings of the religious body; and
- (b) with the consent of the resident, require any medical practitioner chosen by the resident to agree to respect and observe the philosophy of the religious body when practising her/his profession within the nursing home;”.

No. 31—Subclause 10.3, omit “themselves”, substitute “herself/himself”, and omit “they are”, substitute “the resident is”.

No. 32—Subclause 10.7, omit “and” (wherever occurring), substitute “or”.

No. 33—Subclause 10.8, omit “caused or aggravated to themselves”, substitute “aggravated or caused to the resident”.

No. 34—Subclause 10.9, omit “except in an emergency”, substitute “subject to subclause 10.7”.

No. 35—Subclause 11.1, omit “decision”, substitute “decisions”.

No. 36—Subclause 11.1, after “concerning”, insert “her/his”.

No. 37—Subclause 11.2, after “property”, insert “, subject to the reasonable space constraints of the nursing home”.

No. 38—Subclause 12.5, after “support”, insert “independent of the nursing home” and after “requires”, insert “at her/his own cost”.

No. 39—Clause 13, after “all other residents of the nursing home”, insert “, as far as she/he is capable.”.

No. 40—Paragraph 15.1 (b), omit “and/or”.

No. 41—After paragraph 15.1 (c), add the following words and paragraph:

“; and/or

(d) where a move is necessary to facilitate carrying out works on the premises.”.

No. 42—Subclause 15.3, omit everything after “proprietor” (second occurring), substitute “. In the event of no mutual agreement between the proprietor and the resident about the proposed move, the proprietor may still move the resident, provided there is a bona fide medical or other care need for the move as assessed and certified by a medical practitioner independent of the nursing home or a health professional from a Geriatric Assessment Team agreed to by the resident. If the resident fails or is unable to agree to the appointment of such practitioner or health professional within seven (7) days of the proprietor proposing the move of bed location to the resident, the proprietor may arrange for the assessment in the absence of the resident's agreement, provided such assessment is carried out by a medical practitioner independent of the nursing home or a health professional from a Geriatric Assessment Team.”.

No. 43—Subclause 15.4, omit “has become” after “on which the nursing home”, substitute “became”.

No. 44—Subclause 16.1, omit “as set out by the Department less any amount the Commonwealth pays”, substitute “as determined from time to time by the Secretary less any amount the Commonwealth pays”.

No. 45—Subclause 16.2, omit “developed”, substitute “supplied”.

No. 46—Subclause 16.3, omit the subclause, substitute the following subclause:

“6.3 The proprietor will give the resident at least once each month a statement of account which includes items showing the amounts of moneys paid by the resident or on the resident's behalf to the proprietor during the period to which the statement relates and which sets out the purpose for which each payment was made.”.

No. 47—Clause 17, omit “approved by the Department” (wherever occurring), substitute “approved by the Secretary or the Minister as the case may be”.

No. 48—Subparagraph 17 (a) (iii), omit all words after “nursing home”, insert “shall be set out in a document by the proprietor and shall then be attached to the Agreement;”.

No. 49—Subparagraph 17 (a) (iii), omit “the Department”, substitute “the Secretary or the Minister as the case may be”.

No. 50—Paragraph 17 (b), omit “to pay the higher exempt bed resident contribution”, substitute “to pay the relevant exempt bed resident contribution approved by the Secretary or the Minister as the case may be.”.

No. 51—Subparagraph 17 (b) (i), omit “the” after “grant of exempt status”.

No. 52—Subparagraph 17 (b) (ii), omit “the” after “to do so then”.

No. 53—Paragraph 19 (b), after “person”, insert “or persons” and after “Visitor”, insert “or Visitors”.

No. 54—Paragraph 19 (c), after “person”, insert “or persons”.

No. 55—Clause 20, omit the clause, substitute the following clause:

“20. RIGHT TO AN ADVOCATE

The resident has the right at all times to use an advocate or representative, including in all of the resident's dealings with the proprietor. The use of the advocate or representative shall be at the discretion of the resident.”.

No. 56—Subclause 21.1, omit “The parties”, substitute “The resident and the proprietor”.

No. 57—Subclause 21.2, before “seven (7)”, insert “not less than”.

No. 58—Subparagraph 21.3 (a) (ii), omit “five (5) days”, substitute “seven (7) days from the date of the proprietor requesting an assessment from the resident.”.

No. 59—Subparagraph 21.3 (a) (iii), omit “in cases of emergency”, substitute “where it is lawful to do so”.

No. 60—Subparagraph 21.3 (f) (i), omit “the facility”, substitute “the nursing home or any

property lawfully in the nursing home or on the land on which the nursing home is situated”.

No. 61—Subclause 21.3, omit paragraph (g), substitute the following paragraph:

“(g) the resident is absent from the nursing home for seven (7) days and the absence is not authorised by or under the Act and the absence is not the result of an emergency and the resident and proprietor have not agreed on a fee to maintain a bed location for the resident outside the leave provisions of the Act;”.

No. 62—Subclause 21.4, omit “except in respect of paragraph 21.3 (g)”.

No. 63—Subclause 21.4, omit “time in” after “Notice must set out the”, and substitute “period within”. Omit “time” in the second sentence of this subclause, substitute “period”.

No. 64—Paragraph 21.4 (c), omit “or” and paragraph 21.4 (d), omit “..”, substitute “or”.

No. 65—After paragraph 21.4 (d), add the following paragraph:

“(e) in no less than fourteen (14) days in respect of 21.3 (g) and the proprietor agrees to take all reasonable steps to contact the resident.”.

No. 66—Subclause 21.6, omit “time” after “within the specified”, substitute “period”.

No. 67—Subclause 21.7, insert “,” after “and 21.3(g)” and omit “,” after “available to the resident”.

No. 68—Subclause 21.7, omit “21.3(g)”, substitute “where the proprietor fails to contact the resident under 21.4 (e),”.

No. 69—Paragraph 21.7 (b), omit “and” after “needs of the resident;”.

No. 70—Paragraph 21.7 (b), omit “and”.

No. 71—Paragraph 21.7 (c), omit “..” after “affordable to the resident”, insert “; and”.

No. 72—Paragraph 21.7 (c), omit “..”, substitute “; and”.

No. 73—After paragraph 21.7 (d), add the following paragraph:

“(e) if the conditions in paragraphs 21.7 (a), (b) and (c) are met and the resident fails or is unable to agree that such accommodation is suitable within fourteen (14) days of the accommodation being offered to the resident, the proprietor can terminate the Agreement under this clause only if a medical practitioner independent of the nursing home or a health professional from a Geriatric Assessment Team assesses such accommodation as being suitable alternative accommodation for the resident within the meaning of this clause.”.

No. 74—Subclause 21.8, omit “Before”, substitute “Except in a case to which paragraph 21.3 (g) or (h) applies, the proprietor shall, before”.

No. 75—Subclause 23.1, after “internal disputes committee.”, add “Where authorised to do so by the residents’ committee, a resident may also refer a dispute to the internal disputes committee.”.

No. 76—Subclause 23.2, omit “may be asked to hear”, substitute “shall be convened by the proprietor or the resident or the residents’ committee to hear or mediate”.

No. 77—Paragraph 23.2 (a), after “resident”, insert “and/or residents’ committee”.

No. 78—Paragraph 23.2 (c), after “resident”, insert “and/or residents’ committee”.

No. 79—Subclause 23.3, omit “recommendation”, substitute “finding, which shall be binding upon the parties to the dispute”.

No. 80—Subclause 24.3, after “residents’ committee” (last occurring), insert “with support but without interference”.

No. 81—SIGNING PROVISIONS, omit “SEALED AND DELIVERED” where they appear.

Motion (by Mr Staples) proposed:

That, in accordance with subsection 40ABB (5) of the *National Health Act 1953*, the House approves the form of agreement between residents and proprietors of approved nursing homes as amended by the Senate, and conveyed in Senate Message No. 140 of 17 December 1990.

Mr BRAITHWAITE (Dawson) (9.10)—
In speaking to the amendments from the Senate to the Community Services and Health Legislation Amendment Bill, I will just go through the process that this agreement has been through. Honourable members may recall that at this time last year the coalition moved an amendment to have this agreement and the charter come back to the House for resolution whereas it had been proposed in the original legislation that they come back as disallowable instruments. I understand that this was the first time that this particular mechanism had been used in this House since Federation in 1901. The process that this has been through shows the wisdom of our proposal not only in this case but in other cases where it might be used because, had this agreement come back in the form of a disallowable instrument, we would have been presenting to the industry and residents a document which had been appallingly drawn up and

which was inconsistent in many ways. I think the Minister for Aged, Family and Health Services (Mr Staples) would agree with that—apparently the Minister does agree—because in this process the Government has offered 30 amendments to the agreement, quite apart from the 50 or so amendments that we had and about 40 amendments that the Australian Democrats had. So, had this come through as a disallowable instrument, the Opposition would have been forced into either accepting the agreement or disallowing it in full. One can only contemplate what that would have done to the aged care industry and to our reputation.

This has meant that the Department of Community Services and Health and the Minister have had to go into a form of consultation not before seen in this country. In addition, I advise the House that the Opposition itself has spent probably 200 to 300 hours in staff time, my time and that of other shadow Ministers in trying to look at this document realistically and to present a document which we believe will be better received by the industry than the current one. I quote to the Government and to the Minister from Senator Walsh who, in one of his regular articles in the *Australian Financial Review*, suggested that this type of agreement and charter would be a lawyer’s dream given the potential costs of litigation if one tried to put in a formal agreement and charter things that are often contained in common law—this one goes beyond that. It was very important to heed his words.

We hope that the amendments currently proposed by the Senate will alleviate a lot of those problems. The Opposition was not able in the Senate to take forward all of our amendments in the way that we would have liked. There are quite a few here. I admit that some are substantive but many of them are basically to clarify the agreement to prevent potential litigation. One can only imagine, with the state of the economy today and the situation with business in Australia today, the potential for things to be sent to litigation which could otherwise be resolved reasonably. We believe

these matters should be resolved up front by presenting an agreement which can be signed and documented. In many instances we still believe that the amendments that we proposed clarified the document. There were other substantive matters on which we disagreed with the Democrats and with the Government.

Although agreeing to the amendments that have come from the Senate, I will move that words be added to the motion. Subject to that being agreed to, we will support the document in total. I move:

That the following words be added to the motion:

" , subject to the following amendments being agreed to:

(1) Interpretation section, omit all words after: 'In this Agreement unless the contrary intention appears:' up to and including the definition of "Minister", substitute:

- "Department" means the Department of State of the Commonwealth that is administered by the Minister for the time being administering the Act;
- "Exempt Bed" means a bed in respect of which exempt status has been granted pursuant to section 39AB of the Act;
- "Minister" means the Minister responsible for the administration of the Act'.

(2) Interpretation section, omit the definition of "Overall Management".

(3) Interpretation section, omit the definition of "Reprisal", substitute:

- "Reprisal" includes action by the proprietor in respect of a resident which results in restriction of any rights, restriction of access to activities inside or outside the nursing home and punishment of any sort, but does not include provision of

(4) Interpretation section, omit all definitions from "Resident" to 'The proprietor' (both inclusive), substitute:

- "Resident" has the same meaning as "qualified nursing home patient" defined in the Act, and includes where appropriate her/his legally appointed attorney, guardian, manager or next of kin;
- "Rules of the Nursing Home" mean the house rules as adopted or amended from time to time;
- "Secretary" means the Secretary to the Department of Community Services and Health;
- "Standards for Nursing Home Care" means standards prescribed by the Minister in the

Gazette under the Act and which are commonly known as Outcome Standards;

- "The Act" means the National Health Act 1953 as amended from time to time including amendments made after the date of this Agreement;
- "The proprietor" means the proprietor from time to time of the '..... Nursing Home';
- Words, terms and expressions used have the same meaning as in the Act.'

(5) Clause 1, subclause 1.2, add at the end of the subclause ' , subject to any reasonable disturbance which might flow from the carrying out of works on the premises'.

(6) Clause 3, omit subclause 3.1, substitute the following subclause:

'3.1 The proprietor and the resident agree to abide by the rules of the nursing home except insofar as the rules are inconsistent with this Agreement or the Charter set out in Schedule 1 or the standards for nursing home care published from time to time by the Minister.'

(7) Clause 5, subclause (2), omit 'The proprietor shall not accept or seek any secret commission. For the purposes of this clause "the proprietor" means "the proprietor and any related entity"'.

(8) Clause 8, subclause 8.1, omit the subclause, substitute the following subclause:

'8.1 be treated as an individual by those in, and coming into, the nursing home, as far as practicable'.

(9) Clause 8, subclause 3, at the end of the subclause add; 'where, however, the rules of a charitable or similar voluntary nursing home limit such rights, nothing in this agreement shall prevent the proprietor from requiring that the rules in this regard be observed.'

(10) Clause 9, subclause 9.2, omit 'at any time', substitute 'at a time mutually convenient to the proprietor and the resident'.

(11) Clause 9, subclause 9.3, after 'sexual preference' add 'subject to subclause 8.3.'

(12) Clause 10, omit subclause 10.2, substitute the following subclause:

'10.2 of access to medical, health and social services of her/his choice, but a medical practitioner shall not have the right to treat the resident in the nursing home if the medical practitioner will not agree to observe the ethical principles of the proprietor in the exercise of the practitioner's profession within the nursing home.'

(13) Clause 11, subclause 11.1, omit 'decision', substitute 'decisions'.

(14) Clause 12, subclause 12.5, omit the subclause, substitute the following subclause:

'12.5 seek any legal, financial, administrative or other advice and support that she/he requires.'

(15) Clause 12, subclause 12.6, omit 'this Agreement and any laws that are relevant to the nursing home or the resident', substitute 'and this Agreement'.

(16) Clause 15, subclause 15.1, at the end of the subclause add the following paragraph:

'(e) ; where such a move is necessary to maintain an appropriate gender balance; or'.

(17) Clause 15, subclause 15.2, omit 'that request' substitute 'any reasonable request'.

(18) Clause 15, subclause 15.3, omit 'as assessed and certified by an independent medical practitioner', substitute 'as determined by the director of nursing, but the resident shall have the right to request a review by an independent medical practitioner'.

(19) Clause 19, omit 'The proprietor shall at all times, as required by the resident, provide', substitute 'The proprietor shall at all reasonable times, as required by the resident, use her/his best endeavours to provide'.

(20) Clause 21, subclause 21.3, omit '(a) the nursing home occupied by the resident is, because of the resident's assessed long-term physical or mental condition, no longer able to provide suitable accommodation and care for the resident.', substitute '(a) the Minister or the Secretary determines that the nursing home occupied by the resident is, because of the resident's assessed long-term physical or mental condition, no longer able to provide suitable accommodation and care for the resident.'

(21) Clause 21, paragraph 21.3(b), omit 'is made by the Minister to the effect that the resident is not in need of nursing home care and any review of the declaration is unsuccessful', substitute ', or'.

(22) Clause 21, paragraph 21.3(c), omit 'a persistent and serious breach of this Agreement', substitute 'frequent and serious breaches of this Agreement or of the rules of the nursing home; or'.

(23) Clause 21, paragraph 21.3(d), omit 'for reasons within her/his control;', substitute ', or'.

(24) Clause 21, subparagraph 21.3(f)(ii), omit 'or an employee of the proprietor or any other resident;', substitute ', an employee of the proprietor, any other resident or any other person lawfully in the nursing home or on the land on which the nursing home is situated; or'.

(25) Clause 21, paragraph 21.3(h), omit the paragraph, substitute the following paragraph: '(h) the proprietor decides to close the nursing home.'

(26) Clause 21, paragraph 21.4(a), omit ', 21.3(c) and 21.3(h);', substitute 'and 21.3(h); or'.

(27) Clause 21, paragraph 21.4(b), at the end of the paragraph add 'and 21.3(c); or'.

(28) Clause 21, subclause 21.6, at the end of the subclause add 'where the resident ceased the activity or behaviour referred to in subclause 21.3, and thereafter wilfully repeats the activity or behaviour, such action shall not operate so as to deprive the proprietor of the right to terminate the Agreement.'

(29) Clause 21, subclause 21.7, omit paragraph (d).

(30) Clause 21, subclause 21.7, at the end of the subclause add: 'If, after 30 days, no suitable accommodation has been found, the Secretary may authorise the proprietor to proceed to terminate the Agreement.'."

Mr SPEAKER—Is the amendment seconded?

Mr Jull—Yes.

Mr BRAITHWAITE—Because of the time factor, while I might come back and deal with some of the less substantive matters that the Minister would be aware of and that I spoke of earlier, there are more substantive matters to be dealt with and we seek an assurance from the Government and from the Minister as to the manner in which some of these items will be approached.

We note that the Minister has agreed to the request of the Australian Catholic Bishops Conference on the subject of sexual relationships in establishments to the effect that, if a nursing home is run by a religious order, it has the right to insist on its own ethics and code of conduct in order to maintain what it believes is the purity of the home. In fact, in the original amendments that we moved, we proposed that a resident going into a home should be acquainted with those rules of a nursing home. We believe that the Government's amendment does not go sufficiently far in that it refers to a religious body. We were told at one stage that a definition of a religious body might be placed in the interpretations. Failing that, we believe that the scope is there to confine this interpretation to a very narrow base.

I have to express an interest in this matter. I am on the council of a nursing home hostel establishment in Mackay which, while it is not run by a religious order, is run by a council under the aus-

pices of a church. We want to throw this wider to include charitable or like organisations because we understand that it is not just the Catholic bishops who are worried about this. For instance, some nursing homes are run by orders which prevent alcohol because that is part of their creed. I mention also the Freemasons, who are not a religious body but who also run establishments. In these amendments we propose that the provision be extended to cover charitable and like organisations. Then—and only then—will we overcome the confusion that could arise later on.

Can the Minister assure me that his definition of a religious body—although it is not in the Act—will go so far as to incorporate the establishment of which I am a council member, which is not run by a religious body but is under the auspices of one, and that orders such as the Rechabites or the Freemasons will be able to come to some arrangement in order to ensure that their rules and regulations, code of ethics and moral behaviour are also safeguarded. So we propose to extend the provision beyond the very narrow interpretation that now exists.

The most substantive amendment, which was argued in the House and also by the Minister for Justice and Consumer Affairs, Senator Tate, is that relating to euthanasia. It is a matter of insisting again that a code of behaviour of an order would predominate in the choice that one would make in selecting one's own doctor. I emphasise here that at no stage is it contemplated by the Catholic bishops or by us that a resident's choice be limited to a doctor of the choice of the establishment.

I understand that already this is practised by the order that runs St Vincent's Hospital in Sydney. It is part of its code of ethics that any doctor that practises within the hospital must agree to certain principles and that code of ethics. I think that is reasonable. It has been accepted at St Vincent's Hospital that this should be extended to nursing homes. Some will say that a hospital situation is different from that of a nursing home. I just want to emphasise again that in this country hundreds of people are being kept in pub-

lic hospitals who have been assessed for nursing home care. They do not have the choice of their own doctor, and they are subject to the code of ethics of the public hospital. So we believe it is very fitting that the code of ethics should apply.

There have been surveys made, one in Victoria three years ago which some would say is out of date. I suggest that the position has probably deteriorated since the date of the survey. A survey of doctors conducted in Victoria suggested that while euthanasia is illegal it was actually carried out by some doctors on many occasions.

I just want to give an up-to-date assessment of that. In the *Canberra Times* this morning there was an article about charges to be brought against doctors in connection with deep sleep therapy. Three doctors could face criminal charges in connection with what has been done at Chelmsford Private Hospital. Deep sleep therapy has been practised in a psychiatric hospital for a period of years. It has been determined that it is a criminal offence. It is illegal.

The suggestion that the Minister has placed before the Catholic bishops is that, while the practise is illegal throughout Australia, it need not be covered in the agreement. I suggest that there are many things included in this agreement which, in normal practice and in common law, are illegal and not accepted within society. This provides a very good reason to have a second thought about this agreement. We should give further consideration to including in it what is now accepted in the public hospital system and the private hospital system. What applies at St Vincent's on a State-Commonwealth basis should also apply here.

There is some confusion also in the minds of those in the Senate about Senator Tate's reply. He suggested that the Little Sisters of the Poor had more charity and more understanding of the situation than the Catholic bishops. I think that was a very unfair comment to make. But Senator Tate also commented that while the Government was utterly opposed to the practice of euthanasia, there were oc-

casions on which withdrawing life support could be condoned.

The Minister would be well aware of the Catholic bishops' press comment of just one or two days ago in which they rebutted the suggestion of this lack of charity. I agree with them. The Catholic bishops and many religious organisations around Australia would want this safeguard because they have a concern that while euthanasia might be illegal in fact it is being practised. For them to face a charge that they had less charity than other organisations would be objectionable to them. I have got to say that what is being proposed is nothing more or less than strengthening the moral fibre and the ethics that this country desperately needs in so many ways. I suggest that this particular matter be considered.

The final amendment which we believe is substantive deals with the wretched position still within the agreement that, if a person does not pay the fees and is to be discharged from a nursing home, that person cannot be discharged until a suitable alternative is found. We have suggested here that, once this impasse arises, the matter should come back to the Minister for his supervision.

Finally, there is the question that has been raised that if this document is not suitable to some of the orders that run the nursing homes and no agreement is entered into, what will be the Government's position as far as funding those organisations? The question has been asked many times in the Senate and there has been no answer given. I believe that not only the Catholic bishops and the orders of the Catholic Church but also all religious bodies around Australia must be aware of what is happening and what the Government's answer will be.

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

Mr STAPLES (Jagajaga—Minister for Aged, Family and Health Services) (9.25)—in reply—I agree with the honourable member for Dawson (Mr Braithwaite). He is on his way back to his electorate this afternoon, and best wishes to him, and to all of us. The process of

developing this unique charter of rights and responsibilities for people in residential care facilities in Australia has taken a very long period. I say unique because, as far as we know, it is the first time anywhere in the world that any government has, in this way, sought to enshrine in legislation such rights for people. It is fitting, therefore, that such an extensive process of consultation that has occurred over the last 12 months and in the 12 months or so before that has been undertaken. There are very many complex issues. We have seen their complexity highlighted in many ways and at many times during the development of these two important documents.

I make the point though that in terms of the Houses of Parliament, this process has been a difficult one and a relatively new way of doing it. I also make the point that, even if we had proceeded by way of disallowable instrument, the same sort of consultation process would have been undertaken before these documents were presented to the House in that form.

There has been a lot of concern expressed by a number of people regarding the prospect of litigation that arises out of the agreement. I make the point, as I have made it on many occasions in many places, that both the charter and also, very importantly, the agreement are very important educative documents in the way in which we understand the needs of frail aged people in residential care. This matter must be considered more fulsomely by our community.

I think it is shameful that in the past our community has not accorded frail aged people, particularly those in residential care, with that respect and status. I think that came very much to the fore the other day with the release of a report in Victoria by the Office of the Public Advocate. The report went into some detail in relation to the abuse of the elderly. That abuse can take many forms. It need not simply and solely be abuse in residential care where there are a large number of ways and means of ensuring the quality of care. It can be abuse of people in their own home and in their own community. Whether it be physical abuse, verbal abuse,

intimidation or economic abuse; this is becoming an issue. I think that the community will gain an understanding and an appreciation of this, just as an understanding of child abuse developed through the 1980s.

What we have with these two documents is the development of a framework and a network—if you like, a safety net of tools, legislative and administrative—that will ensure a greater quality of life, a greater quality of care and greater security of care for frail aged people living in independent care in our nursing homes and hostels. Linked with this we have had the development in the last 12 months of advocacy services right around Australia, improved complaints handling mechanisms and community visitor schemes being piloted in Queensland and South Australia. We have had the extension of the standards monitoring teams and now, for the first time, the publication of these reports which will ensure that good nursing homes are recognised by the community for the quality of care that they deliver. The teams will also be able to determine those few that are substandard. People will be able to recognise the few that are substandard and, I think very, very quickly we will see shifts in the quality of care and the way in which those nursing homes are operated, certainly to the benefit of the industry as well as, of course, the people who live in homes.

I say to the honourable member for Dawson that the Government, as was the case in the Senate, is not able to accept the amendments put forward by the Opposition in this chamber, and I will go into a few of the reasons for that. The issue of sexual relationships and the rights of frail aged people has been brought into the open for the first time in Australia, and I think that is good. Certainly the reports to me, apart from some of the more obvious comments, indicate that a large number of people are very concerned that these issues should be raised. Unfortunately, they were raised in this context in a way that did not help the debate terribly much from the point of view of tolerance in our community. As time goes on, I think these issues, as much

as anything coming from the educative nature of the charter and the agreement, will come to be better understood and discussed more openly, along with many other issues affecting frail aged people and people in dependent care in our community.

As far as the definition of religious bodies is concerned, the Government maintains that the definition should be consistent with that in the Sex Discrimination Act and the Human Rights and Equal Opportunity Commission Act. As far as we are concerned, that definition will remain. I put the point, though, that that gives very broad opportunities to those religious bodies who have a particular concern about people expressing their sexual needs in a nursing home or in that form of care. There are provisions, even in the original presentation of the agreement, which very clearly point out that people have rights and responsibilities. Part of those responsibilities is to take account of propriety and feelings in the communal environment in which they live. It is very clearly stated in the charter, as part of the responsibilities that go with the rights, that people should take account of that.

I think it is a matter how much people want to and feel the need to stick their noses into the business of other people, particularly when those people are equals. People in nursing homes are equals in that they pay a minimum of \$7,000 or \$8,000 of their own money to live in a nursing home. The Commonwealth and the taxpayers pay about \$22,000 a year for each person. So the cost of the care has been paid for and the Commonwealth contributes substantially to capital costs. This issue and that of doctor of choice have been described by Archbishop Little, I think it was, of Melbourne in a letter to other members of Parliament—unfortunately, not to me—as draconian and social engineering. I will not make any further comment upon who would be seeking to be involved in draconian social engineering, apart from the fact that in this document we have a very important statement not of social engineering but of some basic human rights, which I hope

will be better understood by more people now than has been the case in the recent past.

On the issue of doctor of choice, I gave an undertaking in writing on behalf of the Government to the Australian Catholic Bishops Conference and others that if there is a change in the future regarding euthanasia laws in any State, clause 10 (2) of the agreement will be amended to take into account concerns expressed regarding euthanasia in nursing homes operated by organisations associated with the Catholic Church.

The Government aims to ensure that the residents of government-funded nursing homes are able to retain the medical practitioner of their choice, as if they lived in their own home. The philosophy has been well accepted in Australia, I would hope as fully as it should be, that a person living in a nursing home is, in a sense, living in his or her own home. People are residents of that home. There is a very big difference between living in a nursing home and living in a hospital in that the care in a nursing home should be provided in a home-like environment. In other words, a person should be able to retain the rights of independent living enjoyed in that person's own home, limited only by the communal aspects of other residents of a nursing home.

The Catholic Church asserts that if nursing home residents retain the right to have the doctor of choice it will lead to euthanasia. Criminal codes in each State and Territory in Australia outlaw euthanasia. The practice of euthanasia shall remain a matter which is properly dealt with by the police. The Government does not accept the assumption of the Catholic Church that euthanasia will result from residents retaining the right to the doctor of their choice if they enter a nursing home. As previously asserted, any prospect of such an occurrence would and should instantly become a matter for the law and the police. As I said before, if euthanasia laws in any State or Territory change in the future, the Government undertakes to reassess its position regarding doctor of choice in nursing homes operated by religious bodies such as the Catholic Church.

Over the last two years we have seen a most extensive process of consultation. As a result, we have seen tremendous consensus from so many places. Until this document was tabled, after thousands of hours spent with thousands of people, no-one had raised this issue. We have to ask why. On 11 November 1987 in this House, standards of care for people living in nursing homes were introduced. The first standard said, in lay terms, in easy to read terms, that residents are entitled to receive appropriate medical care by a medical practitioner of their choice when needed. As far as we can determine, that standard has been there since 1987, and the compliance with that standard by Catholic-operated nursing homes around Australia has been total. I think that says that this standard of doctor of choice in Catholic-operated nursing homes has been operating without a murmur for the past three years, until people who were not involved in operating nursing homes raised this issue as a matter of principle and philosophy. We do not deny that euthanasia is wrong, and nothing in the charter says otherwise. The fact is that this issue will be resolved, I believe, by a consensus of community opinion. For that reason, the Government has put exclusions into it that protect the right of the resident.

I would like on this occasion to thank the organisations in the community that have given tremendous support to the statement, particularly on this issue. We have had the support of the Australian Nursing Federation, the Combined Pensioners Association of New South Wales, the Council on the Ageing in New South Wales, the Intellectual Disability Rights Service, the Older Persons Action Centre, the Public Interest Advocacy Service, the Redfern Legal Centre, Residential Care Rights, the South Australian Council of Pensioners and Retired Persons Associations, the South Australian Council on the Ageing, the Accommodation Rights Service (TARS), the TARS Consumer Forum, the Aged Rights Advocacy Service of South Australia, the Australian Pensioners and Superannuants Federation, the Hospital Employees Federation of Aus-

tralia, Victoria No.1 branch, the Western Suburbs Tenants Service, the Older Women's Network, the Australian Pensioners and Superannuants League of Queensland, the Tasmanian Pensioners Union, the Older Persons Action Centre in Victoria, the Pensioners Action Group of Western Australia, ADARDS, the Australian Consumers Association, the Aged Care Advocacy and Information Service, the Older Persons Rights Service, Geriatric, the Tenants Union of New South Wales, the Consumers Health Forum, the Australian Affiliation of Voluntary Care Associations, the Australian Nursing Homes Association, the Australian Council of Trade Unions and the Australian Council on the Ageing.

Mr SPEAKER—Order! The Minister's time has expired.

Mr BRAITHWAITE (Dawson)—by leave—Earlier, Mr Speaker, I omitted to mention that you chaired the subcommittee that was the genesis of enshrining in legislation the rights of residents of nursing homes. Being humble in acknowledging your position, I thought you might also acknowledge the fact that I too was a member of that subcommittee.

Mr SPEAKER—You were also a member.

Mr BRAITHWAITE—Unfortunately, it has not been widely acknowledged that the coalition has given the legislation its full support right from its inception, because the original review of nursing homes was undertaken by the Fraser Government.

The Minister for Aged, Family and Health Services (Mr Staples) referred to a report detailing the condition of nursing homes in Melbourne. I want to place on record that the nursing home I am a councillor of—the one in which my mother is a resident—like other nursing homes that are run by private and charitable organisations throughout Australia, is conducted on a first-class basis. As far as the proprietors of those homes are concerned the charter of agreement between the resident and proprietor governing rights and responsibilities simply reflects

the service that has been in place for many years.

Too often proprietors of nursing homes are condemned because of the actions of a few. I am sure the Minister would agree with that comment. I am thankful to the Minister for providing a clear definition of a religious body because the nursing home industry wanted a precise definition of that term. Unfortunately, the Minister did not answer some of the questions I raised earlier. For example, what will happen to funding if these documents are not signed for reasons of conscience by some of these organisations? In the Senate, Senator Tate appeared to condone euthanasia, certainly in compassionate circumstances. I should like the Minister to clarify the Government's policy: does the Government support compassionate euthanasia and, if so, is the charter of agreement the thin edge of the wedge as far as the introduction of euthanasia is concerned?

Mr SPEAKER—Order! I now need to allow the Minister to respond but the Chair will not have the debate turned into a committee debate where there is a discussion back and forth across the chamber. If the Minister wants to respond, I will allow him to do so but the House is almost getting to the stage of wasting time.

Mr STAPLES (Jagajaga—Minister for Aged, Family and Health Services)—by leave—I do not believe there is a need for me to respond in any great detail. I have made the Government's position on euthanasia very clear: it stands by the law of this country and has no intention of changing that law. Indeed, this is a matter that involves State laws on which Senator Tate expressed an opinion and, as such, he is the person with whom the honourable member for Dawson (Mr Braithwaite) should discuss this matter. I have also made the Government's position on this matter clear to the Australian Catholic Bishops Conference, the public and this House.

With regard to funding, it is highly unlikely that people would feel that in all conscience they could not comply with the charter of agreement. Most people

would realise that this process poses no threat to anyone in Australia and, therefore, I do not believe the matter will cause any concern.

Question put:

That the amendment (Mr Braithwaite's) be agreed to.

The House divided.

(Mr Speaker—Hon. Leo McLeay)

Ayes	60
Noes	72
Majority	<u>12</u>

AYES

Alldred, K. J.
Anderson, J. D.
Atkinson, R. A.
Bailey, F. E.
Beale, J. H.
Bradford, J. W.
Braithwaite, R. A.
Broadbent, R. E.
Burr, M. A.
Cadmam, A. G.
Cameron, Ewen
Carlton, J. J.
Cobb, M. R.
Connolly, D. M.
Costello, P. H.
Cowen, D. B.
Dobie, J. D. M.
Edwards, Harry
Fife, W. C.
Filing, P. A.
Fischer, Tim
Fisher, Peter
Ford, F. A.
Gallus, C. A.
Goodluck, B. J.
Halverson, R. G. (Teller)
Hawker, D. P. M.
Hicks, N. J. (Teller)
Jull, D. F.
Kemp, D. A.
Lloyd, B.
McArthur, F. S.
MacKellar, M. J. R.
McLachlan, I. M.
Mack, E. C.
Miles, C. G.
Moore, J. C.
Nehl, G. B.
Nugent, P. E.
Peacock, A. S.
Prosser, G. D.
Reid, N. B.
Reith, P. K.
Riggall, J. P.
Rocher, A. C.
Ronaldson, M. J. C.
Ruddock, P. M.
Scott, Bruce
Shack, P. D.
Sharp, J. R.
Sinclair, I. McC.
Smith, W. L.
Somlyay, A. M.
Sullivan, K. J.
Taylor, W. L.
Truss, W. E.
Webster, A. P.
Wilson, I. B. C.
Woods, Bob

NOES

Baldwin, P. J.
Beazley, K. C.
Bedall, D. P.
Bevis, A. R.
Bilney, G. N.
Brereton, L. J.
Brown, Robert
Campbell, G.
Catley, R.
Charlesworth, R. I.
Courtice, B. W.
Crawford, M. C.
Crean, S. F.
Crosio, J. A.
Darling, E. E.
Dawkins, J. S.
Dubois, S. C.
Duffy, M. J.
Duncan, P.
Edwards, Ronald
Elliott, R. P.
Fatin, W. P.
Ferguson, L. D. T.
Fitzgibbon, E. J.
Free, R. V.
Gear, G. (Teller)
Gibson, G. D.
Gorman, R. N. J.
Grace, E. L. (Teller)
Griffiths, A. G.
Hand, G. L.
Holding, A. C.
Hollis, C.
Howe, B. L.
Hulls, R. J.
Humphreys, B. C.
Jakobsen, C. A.
Jenkins, H. A.
Johns, G. T.
Jones, Barry
Kelly, R. J.
Kerin, J. C.
Kerr, D. J.
Langmore, J. V.
Lavarch, M. H.
Lee, M. J.
Lindsay, E. J.
McHugh, J.
Martin, S. P.
Melham, D.
Morris, Allan
Morris, Peter
Newell, N. J.
O'Keefe, N. P.
Price, L. R. S.
Punch, G. F.
Sawford, R. W.
Scholes, G. G. D.
Sciaccia, C.

AYES
Wooldridge, M. R. L.

NOES
Scott, John
Scott, Les
Simmons, D. W.
Snow, J. H.
Snowdon, W. E.
Staples, P. R.
Theophanous, A. C.
Tickner, R. E.
Walker, F. J.
West, S. J.
Willis, R.
Woods, Harry
Wright, K. W.

PAIRS

Hewson, J. R.
Howard, J. W..

Hawke, R. J. L.
O'Neil, L. R. T.

Question so resolved in the negative.

Original question resolved in the affirmative.

SOCIAL SECURITY LEGISLATION AMENDMENT BILL 1990

Consideration resumed from 20 December.

Message from the Governor-General recommending appropriation announced.

In Committee

Consideration of Senate's amendments.

Senate amendments—

No. 1—Page 2, clause 4, subclause (7), lines 33 and 34, omit "sections 31, 32, 44, 45 and 50 and paragraphs 70(c) and 71(b)", substitute "sections 31 and 32 and paragraph 71(1)(b)".

No. 2—Page 2, clause 4, subclause (8), line 37, omit "33".

No. 3—Page 3, clause 4, after subclause (9), insert the following subclause:

"(9A) The amendments of the Principal Act made by sections 44, 45 and 50 and paragraph 70(c) apply in relation to claims lodged on or after 1 February 1991.

Commencement: 1 February 1991".

No. 4—Page 3, clause 4, subclause (13), line 17, after "71", insert "(1)".

No. 5—Page 22, clause 39, lines 13 to 28, omit the clause.

No. 6—Page 23, clause 44, proposed subsection 116C(2), line 30, omit "\$5,000", substitute "the person's maximum reserve".

No. 7—Page 23, clause 44, proposed paragraph 116C(3)(a), line 35, omit "\$5,000", substitute "the person's maximum reserve".

No. 8—Page 24, clause 44, after proposed subsection 116C(4), insert the following subsection:

"'(4A) Where the Secretary is satisfied that the application of the 4 weeks waiting period re-

quired by this section will cause undue long term disadvantage or significant hardship to a person, the Secretary may:

- (a) waive the 4 weeks waiting period; and
- (b) authorise payment of the benefit to the person.”.

No. 9—Page 25, clause 44, at end of proposed subsection 116C (9), add the following definition:

“‘maximum reserve’, in relation to a person, means:

- (a) in the case of an unmarried person without a dependent child—\$5,000; or
- (b) in the case of any other person—\$10,000.”.

No. 10—Page 25, clause 44, proposed section 116C, line 16, omit “1 December 1990”, substitute “1 February 1991”.

No. 11—Page 25, clause 45, proposed subsection 117AA (2), line 23, omit “\$5,000”, substitute “the person’s maximum reserve”.

No. 12—Page 25, clause 45, proposed paragraph 117AA (3) (a), line 29, omit “\$5,000”, substitute “the person’s maximum reserve”.

No. 13—Page 26, clause 45, at end of proposed subsection 117A (9), add the following definition:

“‘maximum reserve’, in relation to a person, means:

- (a) in the case of an unmarried person without a dependent child—\$5,000; or
- (b) in the case of any other person—\$10,000.”.

No. 14—Page 26, clause 45, proposed section 117AA, line 35, omit “1 December 1990”, substitute “1 February 1991”.

No. 15—Page 27, clause 50, line 32, omit “1 December 1990”, substitute “1 February 1991”.

No. 16—Page 30, clause 56, paragraph (b), line 42, omit “subsection”, substitute “subsections”.

No. 17—Page 31, clause 56, paragraph (b), proposed subsection 136 (2), line 1, omit “For”, substitute “Subject to subsection (2AA), for”.

No. 18—Page 31, clause 56, page 31, paragraph (b), after proposed subsection 136 (2), add the following subsection:

“(2AA) For the purposes of paragraph (1) (b), a person who enrols in a course is not taken to be so enrolled during periods of deferment.”.

No. 19—Page 41, clause 70, paragraph (b), line 1, omit “XVIA”, substitute “XVIIA”.

No. 20—Page 41, clause 70, page 41, paragraph (c), line 5, omit “1 December 1990”, substitute “1 February 1991”.

No. 21—Page 41, clause 71, paragraph (b), line 11, omit “(4AA)”, substitute “(4AAA)”.

No. 22—Page 41, clause 71, paragraph (b), line 19, omit “29”, substitute “1”.

Mr SCIACCA (Bowman—Parliamentary Secretary to the Minister for Social Security) (9.55)—I move:

That the amendments be agreed to.

The amendments agreed to by the Senate will impose a liquid assets test on unemployment and sickness benefit claimants, but only from 1 February 1991. An unmarried person without a dependent child who has more than \$5,000 in liquid assets will have to serve an additional waiting period of four weeks before payment can be made. A married couple or sole parent could have \$10,000. Where the liquid assets test would cause long term disadvantage or financial hardship, the Secretary to the Department of Social Security will have a discretion to waive the waiting period, but only for unemployment benefit claimants.

The amendments will defer until 1 February 1991 the date from which no waiting period will apply for unemployment benefit to persons who would otherwise qualify for special benefit. This amendment is consequential on the deferral of the introduction of the liquid assets test. The amendments provide that an assets test on family allowance will not be introduced, and also included are some minor and technical amendments.

Mr BRAITHWAITE (Dawson) (9.56)—In speaking briefly on this matter, I note that it is another piece of legislation that has been a casualty of the haste of preparation and presentation to this chamber just one month ago. I ask the Government again to make sure that the legislative process gets a thorough review. When the deeming process came before the chamber, the Opposition offered an amendment to increase that threshold for married couples. The Government at that stage, I believe, was unaware of what the legislation intended, because married couples were only going to get that deeming provision in regard to \$2,000, which is the same as applies to a single person. I say again that there has been too much haste in the presentation of this information, and the legislation should be looked at more thoroughly.

We also understand that in the Senate the Minister for Social Security (Senator Richardson) undertook to review the interest rate of 10 per cent. That rate might have been fair at the time when it was presented in August, but it certainly needs some revision now, with the downward swing. That is a matter of great concern not only to my constituents but to the people who handle money for constituents who are faced with this threat.

I refer also to the family allowance and the fact that the assets test imposition on the family allowance was defeated in the Senate. Again, the Government has got this lopsided idea that the family allowance is a welfare payment; it was never a welfare payment. It was a payment made as a contribution to the cost of rearing children to a standard normally accepted in society. If there is a problem in Australia today, it is that there are not enough children being reared in that atmosphere of home care and attention. I ask the Government never again to look at the means testing of what is a real benefit.

If the Government wants to see the reality of what happens in homes that do not have sufficient income, it should note the 500,000 around Australia are living in poverty. The promise of the Prime Minister (Mr Hawke) that no child would live in poverty by the year 1990 was going to be further undermined by taking away the family allowance on the assets test.

Mr SCIACCA (Bowman—Parliamentary Secretary to the Minister for Social Security) (9.58)—I will not make any comment with respect to what the shadow Minister, the honourable member for Dawson (Mr Braithwaite), has said on the family allowance, but I will say that the Minister for Social Security (Senator Richardson) is well aware of the position with interest rates. A close tab is being kept on the general movement in interest rates. If it seems obvious that it will be very difficult for pensioners to obtain an interest rate of 10 per cent, the Minister will make a decision as to whether that should be downgraded. My understanding is that he will make a decision at the end of January or early February, certainly in

plenty of time prior to the deeming provisions taking effect.

Question resolved in the affirmative.
Resolution reported; report adopted.

DATA-MATCHING PROGRAM (ASSISTANCE AND TAX) BILL 1990

Second Reading

Debate resumed from 20 December, on motion by **Mr Howe**:

That the Bill be now read a second time.

Mr PEACOCK (Kooyong) (10.00)—We have before the House the Data-matching Program (Assistance and Tax) Bill 1990 which, for the sake of brevity, I will refer to as the data matching Bill. After the necessary amendments that the Opposition made in the Senate with the support of the Australian Democrats, we now see a much improved Bill in terms of privacy considerations and, therefore, we will not be opposing it. I will focus on the provisions set out in part 3 of the Bill which will make a number of amendments to the Privacy Act 1988. The provisions we find in part 3 of the data matching Bill have come about, as I imply, at the instigation of the coalition parties with the support of the Democrats in the Senate, and I would like to pay particular tribute to the lengthy work done by my colleague Senator Richard Alston, the shadow Minister for social security, who was instrumental in moving these amendments in another place.

The amendments adopted in the Senate are of a far reaching nature, designed to strengthen and to bolster the powers and functions conferred upon the Privacy Commissioner under the Privacy Act. The legislation we have under consideration relates, of course, to the extension of the tax file number system to the social security area. I will not be dealing in any detail with the reasons why the Minister for Social Security (Senator Richardson) requires this measure. I want to focus on the privacy considerations which I regard as all important. The Government claims, of course, that such an extension will result in program savings of \$65m for the year 1990-91 and \$290m for the year 1991-92.

The data matching Bill is therefore, *inter alia*, designed to address the privacy concerns associated with the proposed extension of the tax file number system by regulating the manner in which information obtained from data matching programs is to be used. The aim of these measures, namely, the minimisation of the potential for abuse of the social security payments system, is naturally a laudable one. However, data matching can have a significant impact on personal privacy, and it is essential that all privacy concerns be adequately addressed. They were not when this Bill first came before the Senate.

It is really a question of striking an appropriate balance between the need to protect the revenue, which I do not deny, and the absolute need to safeguard individual rights of privacy. It is to this end that the coalition has moved the various amendments to the Privacy Act which we now find in part 3 of the data matching Bill. In October of this year, the Privacy Commissioner issued a discussion paper and draft guidelines entitled *Data Matching in Commonwealth Administration*. That paper discusses data matching in a general sense and, in this respect, the present measures under debate represent only one form of data matching.

In part 2 of that discussion paper, the Privacy Commissioner surveyed a number of existing data matching programs in Commonwealth administration, and it is apparent from the Commissioner's findings that, in many instances, such programs seem to have developed more from administrative practices rather than from specific statutory authorisations. It is also quite clear that the effectiveness of the information privacy principles, which are set out in the Privacy Act—particularly principles 10 and 11—are being severely eroded by the reliance of Commonwealth agencies upon general information gathering and disclosure provisions.

On 7 November, after reading the discussion paper and draft guidelines, I forwarded to the Commissioner some comments. In the light of the findings set out in the discussion paper, I formed the view that both the Commissioner and this Parliament seem to have a very limited

role in this area. I went on to suggest a number of ways in which the Parliament could play a more active role, and also indicated that there appeared to be a number of shortcomings with the existing regime for the protection of privacy. The amendments this Bill will make to the Privacy Act will go some way to addressing those shortcomings, although it is clear that further work will need to be done.

The history of the tax file number system—and I have to put it bluntly—represents a litany of broken promises on the part of this Labor Government, and it falls upon the Commissioner and this Parliament to act, where this Government fails to, to protect rights of privacy. It fell to me to negotiate the legislation for the tax file number with the Treasurer (Mr Keating). I have never disclosed publicly the nature of our private discussions and I am not going to do so today, but it is as plain as a pikestaff that, from the undertakings that the Treasurer gave, what he said to me by way of private undertaking was matched publicly when he said that the tax file number would not be extended.

With that good faith publicly endorsed time and again, we saw the need for protecting the revenue and supported the Government, after very extensive amendments again on privacy which the former shadow Attorney-General, my predecessor, the honourable member for Menzies (Mr N.A. Brown), negotiated with the Minister for Justice and Consumer Affairs (Senator Tate). With the attachment of those privacy principles, plus particular amendments that we made to the use of the tax file number itself, we then supported the matter. It was to be confined to the tax file number and it was to be used for taxation purposes only.

The present Minister for Social Security does not seem to worry about that because he said in relation to that undertaking, 'few things are immutable'. That is the sort of statement that ranks with that of the Treasurer. After the Australian Labor Party was elected to power in 1983 and the Treasurer was reminded of various statements he had made in opposition, he said, 'Oh well, they were just

made for opposition; they're nothing to do with me in government now'. It has just been symptomatic of this Government to give undertakings which can be torn up, broken at its own whim as it seems to change course.

Let me remind you, Mr Deputy Speaker, of some of the statements the Treasurer made when he gave these assurances to the people of Australia in regard to the tax file number. In a press release issued on 25 May 1988, he said, firstly:

The Tax Office will be the only government agency which uses the tax file number for the purposes of identifying and registering its client base.

Some undertaking! Secondly:

The tax file numbering system will be administered exclusively by the Tax Office for tax purposes.

Thirdly:

Exchanges of information between the Tax Office and other agencies will continue to be limited to those authorised under the very strict secrecy provisions of the tax law.

And fourthly:

The new measures are designed solely to help reduce tax evasion.

In the debate on the 1988 taxation legislation, the Treasurer gave similar assurances to the House and, on 1 September 1988, he had this to say:

No other government or non-government agency will have access to the Tax Office file number registration system . . .

Just by reading those quotes, one can see the appalling record—a record which now looks like a string of broken promises.

The tax file number system arose out of, of course, the heated debate on the proposal by Labor to introduce an Australia Card, and the community rejected this proposal outright. In a submission to the Senate Standing Committee on Legal and Constitutional Affairs, the Privacy Commissioner analysed the similarities between these most recent extensions of the tax file number system and the original Australia Card proposal, and there appears to be only one significant difference. That is that, at the moment, there is a separation of data held in the taxation and social security area and data held by the Health Insurance Commission relat-

ing to Medicare. That barrier has to remain. If it is to be broken, then we will end up having the de facto Australia Card which the Opposition opposed, which the community opposed and which the community clearly simply does not want.

In the context of the Bill we have before us, I think it can be said that one lesson to be learnt is that this Parliament, though treated with contempt by the Government, needs to be ever more vigilant. Were it not for our amendments moved in the Senate and the vigilance with which Senator Alston pursued these privacy matters in the Senate, we would not have the sort of legislation today which we can support and which, for all its flaws and concerns for the future, at least gives us that reasonable balance that I spoke of before in terms of saving the revenue and guarding privacy concerns.

Since the inception of the tax file number in 1988 as an identifying system, we have seen the gradual extension of that system to other areas by way of a process sometimes referred to as function creep. I recall that I stopped using the term 'tax creep' because people thought I was talking personally of the Treasurer. 'Function creep' is not a new designation for the Minister for Social Security, but it does adequately mirror what seems to be occurring as there is a steadily evolving creeping process in which the Government involves itself more. In light of these what can only be described as somewhat insidious developments, the Opposition has taken the view that the powers of the Privacy Commissioner need to be bolstered if he is to be an effective privacy watchdog. It is no good setting up a Privacy Commissioner, giving undertakings to the Australian people and then so constraining him in his actions that he cannot ensure that their privacy concerns are investigated.

The Senate Standing Committee on Legal and Constitutional Affairs, which was charged with the task of examining this legislation, in its recent report entitled *The Proposed Tax File Number Provision and Data-Matching Program*, stated:

. . . some members of the Committee felt that the statutory provisions which govern the office

of Privacy Commissioner unduly limited his independence . . .

A stronger and more independent commissioner can only lead to Parliament, and therefore the public, being better informed of governmental practices which interfere with the right to privacy. I know that some people think that sometimes I and others go on a little too much about the right to privacy. They talk about the need to get in the revenue and to protect it. I am aware of protecting the revenue. Governments do not have money; money only comes from taxpayers. Or, if governments borrow money, taxpayers end up footing the bill in terms of the interest to be paid. It is not government's money but people's money that has to be protected.

But so too do people's rights have to be protected. There is an inclination on the part of this Government to sweep aside what has been hundreds of years of struggle on the part of many to ensure that the sort of freedom under the system of law that we have today is not just swept aside. Every time we erode the freedom, the privacy and the liberty of individuals by legislation, as occurred in the original draft of the Bill, we take an appalling step backwards. There has been much blood and much treasure spent in centuries past to get us to a situation where men and women in this country can go about their lives uncoerced by those in authority constantly intruding on their affairs.

Any honourable member or honourable senator who allows legislation to protect the revenue to override those concerns does a disservice not only to himself and to his constituents but also to so many who have contributed to more sophisticated civilisations which believe in the freedom of the individual and his rights and opportunities under the freedom of law. The question of privacy is not some academic notion. There is just no right on the part of government to intrude into citizens' affairs, unless there are circumstances *prima facie* that warrant it.

If we allow legislation like this to go through without the sorts of checks that can be vested in the Privacy Commissioner and with the technology that is available today, we really allow govern-

ment to embark on the most sophisticated high technology fishing expedition that the law in normal circumstances does not allow.

Dr Kemp—They have shown an appalling lack of concern.

Mr PEACOCK—As the honourable member for Goldstein would know, it is not in their mind. The nature of these people, for all that they seem to blur it, is for government control. Government intrusion is part of their philosophic attitude.

Mr Sciacca—It is not.

Mr PEACOCK—The honourable member for Bowman would not know. Any man who sits on a Greek island and rings a radio station to establish that he is alive is hardly a major contributor to the debate in this Parliament. In fact, it was only when I read that he had done that that his name was brought to my attention. As in a phrase I used the other day, he is hardly a statesman-like character whose name is on the lips of all Australians if the only way he can get recognised is by lying about on a Greek island while his constituents complain that he is not looking after their welfare. It surprises me not that he would interject on a matter concerning the individual liberties of people in this country.

The honourable member for Goldstein, who has a sensitivity to these sorts of issues which the honourable member for Bowman would not comprehend or even feel, recognises the importance of the provisions that we have attached to this legislation in the Senate. I remind him that it is only because we have addressed these privacy concerns and have got the support of the Australian Democrats on this occasion that we are able to support this Bill that now strikes that appropriate balance between saving the revenue and safeguarding liberty, freedom and privacy.

Because of the interjections, perhaps I ought to stay on this track a little longer. In order to appreciate the dramatic privacy implications that data matching may have, it is probably necessary to consider how such programs operate. In the discussion I referred to earlier, the Privacy

Commissioner defined data matching as involving the following:

. . . the systematic comparison (usually by computers) of two or more sets of systems of personal data collected for separate administrative purposes with a view to isolating any data items warranting further action . . .

The Commissioner has described the measures which are under consideration today as representing 'an extremely complex form of matching . . . at the forefront of matching techniques anywhere in the world'. That is a pretty substantial statement by the Privacy Commissioner. In other words, there could not be a more sophisticated means of matching personal data on citizens than has been provided for. The fundamental premise of the Privacy Act and information privacy principles is that information provided by citizens to government should be used only for the purpose for which it is provided. However, the essence of data matching is to allow information to be used for purposes other than that for which it was originally intended to be used.

The Privacy Commissioner has described data matching techniques as being akin to:

. . . investigators entering a home without any warrant or prior suspicion, taking away some or all of the contents, looking at them, keeping what is of interest and returning the rest, all without the knowledge of the occupier.

That is not a bad statement by the Privacy Commissioner, for whom I have increasing respect.

Dr Kemp—They are very strong words.

Mr PEACOCK—I agree with the honourable member for Goldstein. There could not be a stronger statement in terms of the way in which one could relate by analogy what is being provided for. The privacy issues involved in data matching can be grouped into four stages: first, there is the threshold issue of information which is collected and used for one purpose being used for another purpose without the consent of the provider of the information; secondly, there is the question of whether the quality of the sets of data is of such a standard that it would ensure that the matching process will be accurate; thirdly,

there is the issue of data profiling involving the compilation of dossiers of information on individuals based upon information that has been collected from different sources; and, fourthly, once a data matching program has been conducted, there are questions involving natural justice and the rights that individuals should have to challenge the accuracy of the results of such processes.

The amendments that this Bill will make to the Privacy Act will ensure that these issues are properly addressed. Furthermore, the Bill as amended contains a sunset clause to take effect from two years after commencement. Should it turn out that these data matching programs do not achieve the desired revenue savings and involve an undue interference with privacy, they will be brought to an end. It is worth noting that it was only by a majority that the Senate Standing Committee on Legal and Constitutional Affairs concluded that the extension of the tax file number system into the social security system was warranted in the present circumstances.

The former Canadian Privacy Commissioner, a Dr John Grace, has described data matching as an 'insidious threat' to privacy. In 1983 he said that data matching:

. . . is a far reaching insidious threat to the way our society thinks and works . . . The Privacy Commissioner must challenge computer matching as a tool even to achieve desirable goals.

Another reason why computer matching is wrong is more subtle, yet more dangerous for that. The technique can turn the presumption of innocence into a presumption of guilt . . . A computer match is instigated not because a particular person is suspected of a fraud—as in a traditional investigation, but because a whole class or group of persons has come to the attention of Government for either good or frivolous reasons. Thus do old-fashioned "fishing expeditions" pose as high technology.

The Australian Law Reform Commission in its 1983 report on privacy expressed similar concerns with data matching methods, describing such methods as being akin to 'the general warrant once used to search houses without discrimination or reasonable cause'.

Having canvassed the privacy issues that are involved with data matching programs, I want to consider some of the principal provisions of part 3 of the Bill, which are designed to strengthen the powers of the Privacy Commissioner and give Parliament a greater say in these matters. A number of changes are to be made to section 27 of the Privacy Act, which is the section that sets out the functions of the Commissioner. Under the amendments, the Commissioner will be empowered to examine proposed enactments, with or without a request from a Minister, which may involve an interference with the privacy of individuals or which may otherwise have an adverse effect on the privacy of individuals. At the moment the Commissioner is restricted to examining such enactments upon a specific request from a Minister and is also confined to examining enactments involving 'an interference with the privacy of individuals', a phrase which has a specific limited meaning under section 13 of the Privacy Act, relating to the Commissioner's powers to investigate certain acts or practices.

Similar changes are also to be made with respect to the power of the Commissioner to examine Government proposals for data matching programs. The Commissioner will be empowered to issue binding guidelines under the data-matching Bill to monitor and report upon the adequacy of equipment and user safeguards that are involved in data matching programs and to report on any matter that concerns the need for legislative and/or administrative action to be taken in the interests of the privacy of individuals. Changes are also to be made to sections 31 and 32 of the Privacy Act, the effect of which will be that, when the Commissioner provides a report to the Attorney-General pursuant to those sections, the Commissioner will have a discretion, if he believes it is in the public interest to do so, to provide a further follow-up report to the Attorney which is to be presented to Parliament. Section 31 relates to reports that the Commissioner may compile following examination of proposed enactments that may have adverse effects upon the privacy of individuals.

and section 32 relates to the power of the Commissioner to report on any governmental activities which he believes may have any adverse effects on the privacy of individuals.

Furthermore, as I mentioned earlier, the Commissioner will have power to issue binding guidelines pursuant to the data-matching Bill which must be complied with by agencies when carrying out data matching programs. A breach of those guidelines will be treated for the purposes of section 13 of the Privacy Act as an interference with privacy. The Commissioner will be able to investigate any complaints that individuals may make about an alleged breach of those guidelines. The effect of these provisions will be to give the Commissioner a higher profile in the public debate in this area in order to promote greater awareness of privacy issues.

The ever intrusive powers of government are, as I have indicated, a matter of great concern to all Australians. As I mentioned earlier, in reference to the submission I made to the Privacy Commissioner on data matching, there is a strong need for the existing regime, which purports to protect privacy, to be reviewed. When we look at the legislative checks and balances on governmental power contained in the Privacy Act and the Freedom of Information Act, we can see that the current regime really developed out of the system of government which operated on a paper-based administration. There is a drastic need for that regime to be reviewed in light of developments in information technology. I trust the Attorney-General—who does not have primary responsibility for the passage of this Bill but who is responsible for the Privacy Act—with all the resources at his disposal, will ensure that the privacy of all Australians is adequately protected by Federal law.

In 1983 the Australian Law Reform Commission, in its report on privacy, examined existing Commonwealth laws that sought to protect individual rights of privacy vis-a-vis the collection of information by governments. In passing, the Commission made the following comments:

The indeterminate future privacy risks posed for the subject could never have been envisaged by the drafters of most secrecy provisions in legislation authorising collection of information by government authorities.

That was 1983. In 1988 Parliament passed the Privacy Act to address the deficiencies that had been identified in the law. Now, only two years later, it can be seen that much more work needs to be done for us to be confident that the law is providing adequate protection for the privacy of Australians. There is a dramatic and urgent need for such a review in light of these technological developments. In evidence to the Senate Standing Committee, the then Minister for Social Security, the Minister for Community Services and Health (Mr Howe), conceded that a program such as the one presently under consideration has largely come about due to developments in information technology. The Minister said:

The main reason why we have gone further is that we can get the technology to do something that we could not obtain several years ago.

It is of little comfort for Australians to know that this Government finds it convenient to break its promises simply because it has the technical know-how to do so.

Some other examples of government proposals which have a significant impact upon privacy and which come about because of recent changes in technology include the proposed law enforcement administrative network and the system of computerised financial reporting established by the Cash Transaction Reports Act of 1988.

It is imperative that Parliament, as lawmakers and as those charged with being the custodians of civil liberties, be kept abreast of these developments. The pace of changes in computerised technology has outstripped the legal protection afforded to citizens. This is particularly pertinent when one bears in mind the claims of computer experts that, in light of current technologies, it is not necessary for there to be a central databank in order for administrators to piece together a total information profile on any individual.

In conclusion, we in the Opposition are prepared to support the changes that the Government intends, but we do so on the basis of the amendments that we moved in the Senate to ensure the privacy of individuals. Having done so in regard to this particular piece of legislation, we remind people that much needs to be done in terms of privacy and safeguards for the future if we are to ensure that our laws properly protect the privacy of Australians.

I understand the agitation of the Parliamentary Secretary to the Minister for Social Security (Mr Sciacca) earlier because, trying to be fair on these accounts, I suppose the position is summed up by saying that it is easy to tip from one side to the other in terms of either the pursuit of revenue or the privacy of the individual. It is easy to state the theoretical case, but I say to the Government that, if it is so possessed with protecting the revenue, it should keep in mind at all times that it is a question of striking an appropriate balance. We should be careful of any proposal that increases the powers of government at the expense of individual liberty. Many have written and warned in this arena. I have simply added my voice today. By the amendments that were successfully moved in the Senate, we at least have ensured effective privacy provisions in terms of the current data matching, but there is much more to be done.

Ms CRAWFORD (Forde) (10.30)—I listened with interest to the discussion by the honourable member for Kooyong (Mr Peacock) on the Data-matching Program (Assistance and Tax) Bill and take up his concerns on privacy. But I point out to him that the Privacy Commissioner has said about the regulations in this data matching Bill that the provisions fall well short of a general purpose government and community number. I think we need to bear that in mind at all times.

The other thing which the honourable member failed to address is the aim of the Bill. What does it set out to do? Why is it introduced? What do we hope to achieve through it? The data matching Bill attempts to verify independently and automatically the accuracy of figures of

individual client and parental income disclosed to agencies which make income support payments.

The Department of Social Security is responsible for payment of social security entitlements to over four million Australians. It costs the taxpayer \$21 billion a year. With such a charter, the Department must deliver social security entitlements with fairness, courtesy and efficiency. The Government must ensure that money is not wasted and that taxpayers' money is well spent. So data matching will in fact help to detect instances where persons are possibly receiving incorrect payments from an income support agency because they and their partner, children or their parents are already receiving such payments from the same or another agency which should have been disclosed but have not; or, in the case of sole parent clients, they and their partner are receiving home owner grant payments on the basis of a married relationship. This element is sometimes called double dipping.

It is important for all of us to acknowledge and recognise that targeting must be the key to the work done by the social security payments. Such payments are indeed the right of citizens, be they aged, invalid, family or sole parent payments. Within the Australian community, we have decided that such payments are a right.

However, we must also ensure that those people who have the right are treated fairly and not discriminated against and talked about in common jargon. Let me assure the honourable members on the other side that it is those people who welcome the kind of changes that occur here so that their honesty and integrity are acknowledged and maintained within the community and so they are not subjected to the taunts of many people in our community who see them as bludgers and cheats. Hopefully, this Bill will ensure that such people who attempt to defraud the system, who attempt to double dip and attempt to get benefits to which they are not entitled do not do so.

While the honourable member for Kooyong may well dispense with the fact

that \$81m was saved last year through payments being cancelled and reduced in amount for taxpayers, I am sure that the taxpayers of Australia are delighted at the efficiency and fairness of a government department which pursues the interests of all Australians and so enables our tax dollar to be spent properly, to be accounted for, by giving those people who need it and can prove they require it their full entitlement.

We have heard much discussion on who is going to have to supply the data and the tax file number. Of course, it will be done across a series of departments, but we also have to remember that this data is not centrally based and agencies will maintain their specified data. The Department of Social Security will have details of persons and payments under the Social Security Act. The Department of Employment, Education and Training will have details of persons in receipt of student assistance payments. The Department of Veterans' Affairs will be responsible for its own clients. The Department of Community Services and Health will be responsible for those people currently under the first home owners scheme. Of course, the Australian Taxation Office will be responsible for those people who are taxpayers. So we see a series of departments and groups of departments maintaining their integrity and their own records, and ensuring that they all operate efficiently and effectively.

We also see emphasis in the Bill on persons receiving income support payments. Not only is non-compliance, whether deliberate or not, likely to be detected, but also penalties are associated with it, including repayment of the money owing as soon as possible and, of course, in some cases, prosecution. I think many of us view such fraud through the social security system—and rightly so—as the equivalent of theft. Why do we send bank robbers and other people who steal money to gaol but it is seen to be all right to defraud taxpayers' money and it is somehow quite smart to be able to do so? After all, it is only the Government's money. Unfortunately, the Government's money is our money, taxpayers' money, and there

is a responsibility on all of us to ensure that it is spent in the best possible way. So I repeat that data matching and the integrity which it gives to clients will ensure that they are treated with integrity and honesty. It is those people, more than anybody, who wish to pursue cheats.

We have all sorts of anecdotal evidence. We have heard Opposition members talk about government waste. But as soon as Bills are introduced which attempt to address this waste, which seek to save taxpayers' money and which seek to pursue those people attempting to defraud the system, those people attempting to double dip, then issues are raised which are not directly related.

We all have concerns about privacy, freedom of the individual and the question of authority, but I remind honourable members that, while there is a fine line, the responsibility of every individual is to ensure that what he or she does and offers is proper and correct. So those people who pay their taxes—and usually it is the pay as you earn taxpayers, who have no means of minimising their income—and those people who have justifiable and proper claims within any of our government departments have nothing to fear. The Privacy Commissioner has already confirmed that and, of course, the regulations in this Bill cover that. The integrity of government departments has been maintained over a long period. The provisions that are laid down in that regard have been maintained.

What then is the question? Do we see an Opposition which is frightened to embark on a scheme whereby approximately \$300m of taxpayers' money will be saved in the long term? What is the difficulty? Is this too difficult a question? I deal daily with large numbers of social security recipients in an area of heavy social disadvantage—through, I might add, years of neglect by a State government as a result of a lack of socioeconomic and social infrastructure. I deal with people whose integrity is never questioned and who are in fact delighted to have an identifying number, a tax file number, which says who they are and shows that they have rights and entitlements, who are known

and recognised by a Social Security office which knows they are not cheating and have no income which they can minimise. These people do not say one thing to one department and another to another. These people do not skulk off, get jobs and cash under the counter and then make claims the next day at the Department of Social Security. Those people who unfortunately are in receipt of benefits are delighted that data matching is to be introduced, because they see it as a system which will ensure that integrity will be maintained.

What will happen? How will data be verified? We have heard much about the concerns of privacy, but what will actually happen? New claimants for most DSS payments are required to provide documents which establish their identity. There must necessarily be a range of options available so that the non-availability of particular types of documents does not of itself preclude payments being made.

I know that very many Opposition members find it difficult to believe that there are people who actually have very few identifying papers. Honourable members may remember that only recently I spoke of groups of Aboriginal people who have no birth certificates. Opposition members may be surprised to know that there are people who do not have driving licences or credit cards. In fact, there are many who have no bank accounts. Opposition members should see the parade through my office sometimes on a Monday morning of a series of battered wives whose husbands have dragged them, the furniture and everything they own into a bonfire in the backyard during a drunken rage on the Sunday. They also do not have identification papers. This kind of material offers them a very real opportunity to prove who they are and to allow identity details to be real without their being humiliated. The whole range of sources which this information provides is important and an integral part of ensuring the integrity of the system.

I also draw to the attention of the House the changes that will result from the pursuing of cheats and others. As part of a review program in which 15.7 million items of changed data were processed, re-

gional officers selected more than 90,000 items to follow up. What happened? One hundred and ninety-three new applications were stopped; 2,600 cases already being paid were cancelled; 447 cases being paid were reassessed and downgraded; 1,500 new overpayments were identified; and 11,000 cases where overpayments could have been made were stopped. Those are enormous savings. Surely as a government we are about accountability, efficiency and delivering in the most efficient and fair way to those people in need.

Mr Sciacca—Not to cheats.

Ms CRAWFORD—Definitely not to cheats, which is the point which the Opposition has failed to answer. While certainly we take on board its concerns about privacy and the role of the individual, we also have to balance that with the needs of the individual and the people who, by and large, are beneficiaries of the Department of Social Security. They are people who are most in need of our care and concern and who most need to be assured of their integrity—that they are being paid justly and fairly and that they are not bludging on the system but have an entitlement. Imagine the extension of payments which can be made to people through savings of more than \$300m.

I am very interested to note this whole question of authority and freedom, and the role of the individual which the honourable member for Kooyong talked about. We know what the role of the individual means to the Opposition. We have already heard that the dismantling of the whole program of social security is part of its operation. The Opposition is taking an excessive stand in terms of the nature of the individual—that is, if you cannot do it, you do not get it. In fact, what we see is that to those who have, more shall be given. If people are prepared to queue up at all sorts of grand places, be they St Vincent de Paul, Price Waterhouse or wherever, they may or they may not get a voucher, depending on whether people have paid their tax.

We have all heard the Prime Minister (Mr Hawke) making comments about tax payments being an option. This is the

very real fear. It is not a question of the role of privacy of individuals or the role of authority; it is simply a question of cheats being caught—the tax evaders. In the early 1980s all of us can recall going to parties where it was very smart to suggest that one was evading tax. It has taken this Hawke Labor Government to turn that attitude around and educate the community that if someone evades tax, the rest of us pay double. We now understand that and, as a community, have a much fairer and better tax system because we all have to pay. We know that Opposition members hate the idea because we hear it constantly and daily. The fact that tax rates have dropped and that there will be tax cuts never enters into their discussions. What they say is that they understand the net is wider and that people now have to pay tax. As the tax file number continues to be extended, of course that is what is happening.

The same is also true in this whole data matching process. What we see is an ability by departments to ensure a delivery of service to those people in need, not to the cheats, the bludgers, the people who double dip and think it is smart, and not to those people who make assumptions that it is very clever to rip off the government. After all, it is only the government's money. We all know anecdotally what has happened and are delighted to see that last year the Department of Social Security saved \$81m. We are hoping, through the data matching Bill, that it will continue to save us considerably more money.

What we also find quite extraordinary is that we are talking here about the operation of the Department of Social Security, which services four million Australians and has, in company terms, a turnover of \$21 billion. I assume, then, that our economic managers on the other side of the House would want the most efficient and accountable operation. Surely that is what we need and are told about—that efficiency management is the key to what should be done.

On this side of the House we also talk about accountability. It is a question of us all being accountable, whether we are individuals, managers in the Department

of Social Security or managers in the government. This Government has never shied away from the fact that government money is taxpayers' money, Australians' money, and therefore must be accountable. Any system which ensures that accountability and fairness are enhanced, equity is pursued in a very real way and can be pursued through a program and process such as data matching, must show initiative and drive—which is important.

The system is people centred. There is no compulsion on people to become recipients of any of these benefits. If people do not wish to be recipients of these benefits, then they are unaffected. However, my understanding and knowledge of human nature and of people who need such benefits is that they welcome these changes. They embrace them because they know that they are not being marked and pointed out as people who may be bludgers or cheats. They know that they have entitlements and rights, they can prove it and it is verified for them.

As departments move into the new system of information collection and data matching, we welcome such a change because we know that it will save all Australians money and will mean a fairer, more equitable and better system. The privacy regulations ensure that the role of government and the role of the individual is adequately protected. More importantly, it is no longer fashionable or Australian to defraud, cheat and steal other Australians' money.

Mr ROCHER (Curtin) (10.49)—Having listened carefully to the honourable member for Forde (Ms Crawford), I believe those who have shared that experience with me could be forgiven for thinking that we intended to vote against the Social Security Legislation Amendment Bill 1990. We could easily adopt the opposite view about some of the points she used to make a virtue out of the Department of Social Security having saved \$81m last year. We could very well ask why had it got to the stage where it could pick up fraud to the extent that \$81m was being lost. In other words, was it sufficiently assiduous in carrying out its duty in the first place? Perhaps there is

scope for greater savings, as is suggested by some commentators. So \$81m in terms of fraud or overpayments detected last year might not be the full measure of the problem. We all know from representations to our offices of examples that we take to the Social Security Department. It seems to have taken an inordinately long time to come to grips with what amounts to payments which should not be made.

The Bill represents the inevitable extension of the use to which the tax file number (TFN) is to be put, which the coalition predicted at the time of its introduction. We said in 1988 that the temptation for the Government to make greater and greater use of the tax file number would be irresistible. More and more government departments would seek access to the tax file number in order to crack down on fraud and evasion of various types and generally to make life easier for the bureaucrats. It always seemed inevitable that the tax file number would increasingly take the form of a national database, a de facto Australia Card via the back door, unless the Parliament remained particularly alert to that possibility.

In 1988 the Treasurer (Mr Keating) gave a firm commitment that the tax file number would only be used by the Australian Taxation Office to catch tax cheats. In his press statement of 25 May 1988, to which the honourable member for Kooyong (Mr Peacock) referred but which is worth repeating again, the Treasurer, solemnly no doubt, said:

The Tax Office will be the only Government agency which uses the tax file number for the purposes of identifying and registering its client base . . . The tax file numbering system will be administered exclusively by the Tax Office for tax purposes.

Since that undertaking was given the Government has given us a seemingly endless parade of new uses for the tax file number. These extensions have been made possible by the Government's discretionary powers under what is deemed to be included within the ambit of taxation law. The scheme was quickly applied to the payment of unemployment and sickness benefits, Austudy, the higher education contribution scheme and child and spouse

maintenance payments. Application of the tax file number has since been extended to include the iniquitous training guarantee scheme, and more social security benefits, including sole parent's pension and the family allowance supplement. All this has occurred without any substantive changes to the tax file number legislation and thus with little focused parliamentary attention.

This Bill seeks to give effect to a range of measures that were announced in the Budget last August to extend the use of tax file numbers to include remaining social security benefits, namely, the aged and invalid pension plus the first home owners scheme and Veterans' Affairs Act and Student Assistance Act payments. These measures are designed, we are told, to detect double dipping and tax evasion with particular relevance to the social security and veterans' affairs systems. They will result in the issue of some 1.5 million new tax file numbers.

The Government's about-face on this issue and Senator Richardson's subsequent cynical remark that nothing is immutable have been of major concern to privacy groups and to the Opposition. Measures to curb social security fraud and tax evasion are naturally supported by the coalition but the proposals in this legislation also raise some serious privacy concerns that needed to be adequately addressed before we agreed to any extension of the tax file number system. Fortunately, the Opposition and the Australian Democrats have combined in the Senate to strengthen the protection of privacy afforded by this Bill. Our goal has been to ensure that the tax file number is applied for revenue protection purposes only and that any further use of the tax file number be the subject of proper privacy safeguards.

The Opposition-inspired changes have enhanced the application of the TFN guidelines to the Privacy Act to the stated purposes of this Bill. They ensure that the remedies available under the Privacy Act apply to breaches which might occur as a result of data matching or data linking. All users of tax file number data will have to comply with the Privacy Act guide-

lines, which is the very least we should require of any extension of the tax file number system. Because the Bill is the most recent in the field any inconsistency with existing laws would have seen the provisions in this Bill prevail, which in turn would have had the effect of watering down the existing privacy legislation.

It is noted that the guidelines contained in the Bill are for interim purposes only and are to be replaced by new guidelines to be formulated by the Privacy Commissioner before 30 June 1991. The coalition's amendments also remove some of the discretionary powers of the Government under the TFN guidelines and any guidelines that might be subsequently issued by the Privacy Commissioner. Our changes also impose requirements on the Privacy Commissioner to report to Parliament and to parliamentary committees instead of just to the Minister and to enable the Commissioner to play a more active role in public debate about privacy issues.

To date, the Privacy Commissioner has very much taken a back seat in the public discussion of the administration of the tax file number. He did not even attend a major seminar on the subject sponsored by the Australian Privacy Foundation. There is an obvious need to free the Commissioner of ministerial complaints so that the privacy legislation can be effective and in order to safeguard against abuses of the tax file number system under such legislation as this. If the Commissioner has to wait for ministerial approval in order to fulfil his functions then there is no effective check on executive power. Confining the Commissioner to private dispute resolution and behind closed door complaints to the Minister stifles the public awareness of privacy issues and should be totally unacceptable. Privacy breaches through abuses of the tax file number system are simply too serious to be aired in the Privacy Commissioner's annual report, by which time any remedial action will be far too late. It would appear that the Privacy Commissioner was not properly consulted on this legislation, just as he was not consulted on the extension of

the tax file number to the training guarantee scheme.

Unfortunately, our proposal to take the Privacy Commissioner out from under the jurisdiction of the Human Rights and Equal Opportunity Commission and instead make him a statutory officer, appointed by the Parliament with his own Budget allocation, was not supported by the Government and the Democrats. The Commissioner is now required to report on the adequacy of data matching equipment and user safeguards. Currently there is no provision for the use of magnetic coding to detect unauthorised carriage or use of data. There is also no means by which system users can be identified and their reasons for gaining access to data properly verified. There is clearly room for information technology improvements to protect the privacy of individuals and so it is important that the Commissioner be mandated to look into this area and make recommendations.

Perhaps the most important amendment inserted at the insistence of the coalition is the two-year sunset clause which will enable a full review of this legislation to see whether any subsequent breaches of privacy need to be addressed. This change is particularly necessary in view of the Government's broken promises in this area over the past few years.

We also sought to ensure that no-one's information file could be accessed from one point, and to put a time limit of 12 months on any prosecutions resulting from data matching. Such measures, along with those provided for by the Government, will make this legislation far more acceptable from a privacy point of view.

This Bill bans on-line computer access for data matching purposes and instead requires data to be physically transported between the user agencies in order to prevent the creation of what would in effect amount to a central database of the Australia Card type. However, we need to be wary of the quality of protection that this methodology supposedly provides. According to experts in information technology, such as Roger Clarke from the Australian National University, a central-

ised register may well be less effective than a decentralised system in providing access to information. On-line access to data matching facilities would in any case seem to be the next logical step in the minds of those seeking the easy way for the tax file number to take; hence the importance of the Opposition amendment to prevent an individual's information file from being accessed from one point.

It is interesting to note the Government's statements on the financial impact statement accompanying this Bill, which suggests that data matching will save the Government over \$800m over the next three years—a surprisingly large amount in view of recent Government claims about its handling of the social security portfolio. Either the Government is exaggerating this amount in order to make its Bill more attractive or it has grossly understated the incidence of social security fraud in this country.

This Bill runs the risk of being seen as an ad hoc solution to the problems of our welfare system, which the Government regards as sacrosanct but which is revealed by this legislation to be plagued with difficulties.

The Government's response of extending the application of the tax file number system, instead of looking at fundamental reform of the welfare system, lends strength to the observation of Padraic McGuinness, who wrote in the *Australian* that for fiscal reasons:

You cannot have . . . an extensive network of discretionary tax-financed welfare benefits, and civil liberties at the same time.

It is fundamental reform of the burgeoning taxation and welfare systems in this country, not a vast tax file number system and associated privacy bureaucracy, which will provide the best long term guarantee of individual privacy for Australians.

Mr COBB (Parkes) (11.04)—I am pleased to be speaking this morning on this Data-matching Program (Assistance and Tax) Bill 1990. The concerns on this side of the House about this Bill relate mainly to the privacy considerations of individuals which, sadly, were originally neglected by the Government. Of course,

the Bill, as we have heard, relates to the wider use of the tax file number outside the Australian Taxation Office. If the legislation is passed, the tax file number in certain circumstances will be available to the Department of Social Security, the Department of Veterans' Affairs, the Department of Community Services and Health and the Department of Employment, Education and Training. So in all we will now have five departments with access to certain individuals' tax file numbers.

The information that goes with the tax file number relating to individual incomes will be matched within the Department of Social Security. The aim of this, of course, is to pick up any errors that taxpayers or individuals claiming benefits may have made when filling in forms, as well as to pick up those who are cheating the system. Of course, cheating the system has certainly been rife under this Government. When it first put this Bill forward, the Government claimed that the information on an individual's income may exist in one government department but that the Australian Taxation Office would not be able to have access to that information. The Minister for Defence Science and Personnel (Mr Bilney) gave one example in his second reading speech when he said:

It is possible, for example, for a person receiving family allowance to fail to inform the Department of Employment, Education and Training and thereby receive Austudy in respect of the same child, although the payment of one of those payments should preclude payment of the other.

That is a particularly good example of what has gone on with a certain percentage of people. This Bill will now allow crosschecking, and to some extent will eliminate some social security and taxation fraud. To that extent that is a good thing. The honest taxpayers of this country, particularly the pay as you earn taxpayers, quite frankly have had a gutful of people ripping off the system around this country. My opinion is that I have no objection to a tax file number being used in this way. Where people have access to the public purse, they must forgo these

rights to make sure that they are not cheating the system.

But I stress that, if it were not for coalition amendments, this Bill would be much closer to what the Government originally proposed with the Australia Card. Honourable members will remember, of course, that, had that gone through, no-one in this country could have existed without carrying one of these cards around all the time and producing it for everyday activities. It was a draconian proposal. Of course, once the coalition pointed that out to the Australian people, well over 90 per cent of them were opposed to it. Had we not blocked it, the Government would have been brought down. It is an ironic twist that the Opposition actually saved the Government's position.

The data that by this Bill will be allowed to be transferred with the tax file number will, I understand, have to be transferred physically—not sent on-line on computer—so that in that sense no new database can be created. I welcome that news. I understand that after three months, if the Minister's second reading speech is to be believed, all material has to be destroyed unless it is being acted upon. In addition, the Privacy Commissioner is to bring down guidelines for the conduct of data matching authorised by this Bill, and staff who handle this information will have to abide by absolute privacy guidelines so that privacy matters receive the highest consideration.

The Government has been dragged screaming and kicking to this position over a period. It has displayed very little regard for the privacy of individuals. It is ironic that this is the case. Over the last 12 months we have seen incredible changes taking place in eastern Europe where for the first time the worth of individuals is starting to be considered. We hope that that direction continues. Sadly, that does not seem to be placed as highly amongst Government members here in Australia.

I stress that savings with social security and other cheating could be much greater if other things could be put in place. The tax file Bill is only one measure

that needs to be used. I would like to have seen the Government putting forward legislation to enforce much more than is the case the work tests for the unemployed. So often we see work available in towns and cities around Australia that is not taken up. In my own electorate, for example, we can have asparagus needing to be cut in Narromine and a number of people in the area are on the dole, but employers cannot get people to undertake that work. I would also like the Government to consider work-for-the-dole legislation. I would like to see the Government consider the proposal the coalition put at the last election that the dole should be cut off after nine months, except in special cases.

I would particularly like to see the Government consider flexibility in the industrial relations area. At the moment in the SPC Ltd factory in Shepparton, Victoria, we are seeing a classic case of employer and employee coming together as sensible adults to reach agreement. This agreement is in danger of being ditched because of the intervention of John Halfpenny and others. If these sorts of arrangements were in place and were allowed, there would not be as great a need for the tax file number legislation to be debated in Parliament today. I suppose we should not be surprised about that because the Australian Labor Party is still largely a creature of the trade unions, and it is about reserving the privilege and power of the officials through coercion. Under its constitution, I think something like 60 per cent of delegates have to come from the Australian Council of Trade Unions. That is a sad situation.

The Bill we are debating this morning is ultimately about striking a proper balance between identifying fraud and protecting the privacy of honest citizens in the community. It is incumbent upon members of parliament to take the utmost care in privacy matters. The whole basis of a free society centres around such considerations. I was particularly delighted that the honourable member for Kooyong (Mr Peacock) spoke this morning at eloquent length about this. We on this side of the House have little confidence that

the Government is even remotely aware of these considerations. It seems at times that all too often the end justifies the means and the Government rides roughshod over these considerations.

There have also been many reversals that we are concerned about. In 1988 the Treasurer (Mr Keating)—the world's worst Treasurer—gave two categorical assurances that no other government department would have access to the tax file number in this way. In June 1988, the Treasurer said:

We have no intention now or in the future of extending the basis of the tax file number to do anything like some of the Australia Card tasks.

He reinforced that in September 1988 when he said:

No other government or non-government agency will have access to the Tax Office file number registration system, nor will it be able to use an individual's tax file number for a registration system of its own.

One would think that we would not get any more categorical and absolute an assurance than that, but of course those promises and those predictions turned out to be no more accurate than the Treasurer's statements about the J-curve or interest rates or the current account deficit or whatever. It seems that he is a thoroughly discredited individual amongst the Australian people these days.

These things were overturned because the present Minister for Social Security (Senator Richardson) ensured that the Treasurer would be forced to break these promises by bringing legislation before Parliament doing that. Again, perhaps we should not be surprised by that. It seems that this particular power broker commands extraordinary power within the Labor Party. Recently he went to the Prime Minister (Mr Hawke) and told him what to say on this leadership challenge that arose. Then he went to the Treasurer and told him what to say. When the Prime Minister and the Treasurer met for 3½ hours saying what Senator Richardson had told each of them to say, he was watching them on a monitor in another room. That is an extraordinary situation.

Mr Sciacca—Come back to the Bill.

Mr COBB—The Parliamentary Secretary to the Minister for Social Security says to come back to the Bill, but this is relevant to the Bill. Senator Richardson ensured that the Treasurer broke these promises. We have seen reversals by the Government on this issue, which indicates to us that it cannot be trusted. As a result, we have moved many amendments in the Senate to improve this legislation and they have been agreed to. Now the Bill is at least moderately acceptable to us.

I would like to refer to some of those amendments. The tax file number data will no longer be able to be returned from the matching agency, that is, the Department of Social Security, to the assistance agencies. All investigations or prosecutions arising out of discrepancies detected in the data-matching process must be commenced within 12 months unless there is good reason to allow an extension of time.

The Privacy Commissioner will be required within the next 12 months to issue specific guidelines relating to data matching, which must then be tabled in Parliament. A breach of the data-matching guidelines will be a breach of the Privacy Act so that aggrieved individuals will now have the same rights and remedies, including access to damages and injunctions. Of particular importance is that as a result of these amendments there will be a two-year sunset clause so that the entire legislation, with any alleged invasions of privacy and the projected revenue savings of \$300m a year, will be able to be fully scrutinised. As well, the Privacy Commissioner will be able to examine proposed amendments affecting privacy or data matching and data linkage without having to wait for a request from the Minister. If necessary, he will be able to cause his concerns to be tabled in the Parliament.

The Privacy Commissioner will be able to monitor and report on the adequacy of equipment and user safeguards. On completion of an action, any information obtained in the process must be destroyed. There will be a general tightening of the procedures governing the program proto-

col and the technical standards report and within six months of the commencement of the first data-matching cycle each government agency involved will be required to table a comprehensive cost benefit analysis.

The coalition is proud that these privacy considerations are now in place, especially the two-year sunset clause review of the whole legislation. Fortunately, the coalition will be in government at about that time and we will be able to adjust or repeal legislation after a proper assessment period.

In conclusion, I say that the Government is to be condemned for the original disregard it had for the essential privacy considerations of this Bill. Since coalition amendments have been put in place in the Senate, we can now accept this Bill and, for that reason, we support it.

Mr SCIACCA (Bowman—Parliamentary Secretary to the Minister for Social Security) (11.19)—First of all, I would like to thank honourable members for their contribution, in particular the honourable member for Forde (Ms Crawford), who made an excellent contribution, and also the other three speakers. Before I talk more generally on some of the more important provisions, can I say that the honourable member for Kooyong (Mr Peacock) dealt mainly with the privacy provisions of the Bill. He says that he is concerned with the individual personal privacy provisions. He says also that he is aware of the balance required between the need to control revenue and the protection of personal privacy.

It amazes me that the Opposition continually says that it wants to reign in government spending and that if it were ever in office it would cut government expenditure, particularly in the welfare area. Yet when the Government tries to tighten controls over expenditure, particularly so that it targets moneys available to the Government in the social security area to those most in need, the Opposition seems to whinge and whine. In other words, it wants to have it both ways.

Unfortunately, it is not possible to have it both ways; expenditure controls are

tightened or they are not. Significant savings will be made as a result of the Data-matching Program (Assistance and Tax) Bill—savings that can be better targeted to those who really need income support from the Department of Social Security and not those who intentionally defraud the system. The Bill is not designed to interfere with personal privacy, but to stop cheats, and I do not see how anyone could possibly argue with that.

The honourable member for Kooyong made some specific criticisms and likened these measures to a Clayton's Australia Card. He said there was only one significant difference between the tax file number, the data-matching proposals and the Australia Card. There are at least three significant differences: firstly, this is not a national identification system—there is no card; secondly, there is no central database; and, thirdly, there is no common numbering system. The Privacy Commissioner said that the proposal fell well short of a common government numbering system.

Both the honourable member for Kooyong and the honourable member for Curtin (Mr Rocher) claimed that the privacy concerns were not adequately addressed when this Bill first came before the Senate. Contrary to that claim, the Privacy Commissioner was satisfied with the Bill. As far as the Government is concerned, the amendments were optional extras as regards the data-matching program and so they are not unacceptable to the Government.

The honourable member for Curtin spoke mainly about the necessity for these provisions. He criticised the honourable member for Forde, who said that last year approximately \$81m was saved. The honourable member for Curtin should note that in a department which spends some \$20 billion and which has an extraordinary number of offices and some millions of clients, it is not always possible, without some form of technological assistance, to detect overpayments. I might add that approximately \$73m of that \$81m was recovered.

These new data-matching provisions will further enhance the ability of government departments, in particular, the Department of Social Security, to ensure that payments go to those who are entitled to them. I am sure that even the honourable member for Kooyong and all Opposition members would agree that they are the people who should be getting the income support—those who need it, not those who cheat.

The honourable member for Curtin said that he found it strange that the Government's projected savings of \$800m over three years could be correct but it is not an extravagant claim. With the new data-matching provisions, in a budget that goes up to \$20 billion plus, it is not an extravagant claim that approximately \$266m savings can be effected.

The honourable member for Parkes (Mr Cobb) asserted that these measures are similar to the Australia Card proposal. I will not comment on what he said, apart from referring to my comments on the contributions of the honourable member for Kooyong and the honourable member for Curtin.

Generally, the Government has at all times wanted this Bill to reflect a fair balance between the need for workable processes for data-matching and the need to protect, as far as possible, the privacy of individuals. The Bill has been settled with constant input by the Privacy Commissioner. The Opposition amendments tend to make more explicit the privacy protections than even the Privacy Commissioner thought necessary. Nevertheless, the Government finds them acceptable because in the main they reflect the philosophy supported by the Government.

The Bill, as it has come to this House, can be seen to achieve a number of things. It details comprehensively which agencies will be involved in this data-matching program. The program cannot be extended without fresh legislation being passed. It defines comprehensively whose data will be matched. It sets out in extreme detail exactly how data-matching is to be done. It sets out fully what results

will be sought from data-matching. It details how information from data-matching will be handled. It sets time limits for the commencement and completion of follow-up action on data-matching results. It stresses that information transferred between the five agencies involved must not go via on-line computer link; it must be transferred by magnetic tape or cartridge. This is to prevent the establishment of a new database made up of the linked, but separate, databases of all five agencies.

The Bill also provides for notice to be given to people against whom action following a data match might be taken. This allows them to argue if the information is in some way flawed. It extends the powers of the Privacy Commissioner to oversee these programs and to make public comment. It provides guidelines for the conduct of the data-matching program, which are to be followed by the five agencies. There are tailor-made confidentiality provisions to protect information about individuals, and the sunset clause will prompt a total reconsideration of the data-matching program in two years time.

In summary, contrary to what has been asserted by certain members of the Opposition, as well as adequately addressing privacy concerns, we have bent over backwards to accept not only what the Privacy Commissioner said, because he was originally satisfied, but also the amendments of the Opposition. I am pleased that the Opposition, in this House at least, supports the Bill as amended, and I commend the Bill to the House.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Sciacca) read a third time.

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 1990

Second Reading

Debate resumed from 20 December, on motion by Mr Bilney:

That the Bill be now read a second time.

Dr CHARLESWORTH (Perth) (11.27)—The Industrial Relations Legislation Amendment Bill is important legislation. The Government sees it as being crucial to improving micro-economic reform and bringing about changes in industrial relations which will improve efficiency in the workplace. The benefits of that reform are evident for all honourable members to see. Last night the House heard from the honourable member for Higgins (Mr Costello) a litany of illogical inconsistencies, a story of unction. He portrayed himself as the defender of unionists, the defender of workers' rights, in part of his speech; in other parts, he indicated that there was something sinister and dangerous about unions and unionists being part of the economic equation. The honourable member engaged in distortion and superficial assertion. There seemed to be the suggestion that any view held by a member of the Opposition must be fact.

The honourable member's assertions are preposterous; a lack of rigour with respect to obtaining any evidence was plain. I respect the capabilities of the honourable member, but I am concerned that he should have engaged in such a superficial analysis. He suggested that union membership in the public sector is much greater than it is in the private sector. I do not have any difficulty with the suggestion; that is probably the case. It was nonsense, however, for the honourable member then to conclude that the reason that people were joining unions was not in order to avoid rapacious employers. It is impossible to draw such an assertion from such facts; it ignores the various types of industries and other factors. At one time the employers in this country were members of the Opposition parties, which were then in government. So perhaps the rapacious employers that he is suggesting exist were aligned with governments of a political persuasion opposite to that of this Government.

The honourable member suggested that it was more difficult because of this legislation to vote against amalgamations, and that in some way this legislation decreased the democratic nature of union

amalgamations and the way in which they would take place. He pointed out that three amalgamations in the past four years have been defeated by ballots of unions. But he neglected to say that on each of those occasions the number of unionists who voted for the amalgamation was much greater than the number who voted against it. So it is hard to—

Mr Costello—And they failed.

Dr CHARLESWORTH—The amalgamations failed because of the structure that existed. The total number of unionists who voted for the amalgamations was greater than the number who voted against. If in Higgins we had a situation where the honourable member was not elected when he received the majority of votes, he would say that that was undemocratic. We have to be consistent. I am talking about improving and streamlining the process—

Mr Costello—How can amalgamation fail if you get a majority of votes?

Dr CHARLESWORTH—That is how it occurred because it is possible in the present structure for one smaller union to bring about the failure of the amalgamation. We are trying to remove that provision.

Mr Costello—They voted against it.

Dr CHARLESWORTH—But the majority did not vote against it. The suggestion by the Opposition that big is bad was asserted and supported by the view put by the Business Council of Australia. Of all the bodies that could make the suggestion that big is bad, it is hard to understand the view of what is perhaps the largest organisation of employers—of the 200 biggest employers in the country. The fact that that organisation should put forward such an assertion is something that we would disagree with.

The principal argument put forward by the honourable member for Higgins was that this legislation was contrary to the International Labour Organisation convention on freedom of association, and that the initiatives within this legislation were contrary to the ILO assertions. He had in fact become a defender of the ILO

conventions. It is interesting to look at those conventions to see where they came from and to look philosophically for a moment at the position that exists in respect of those conventions.

In the conduct of everyday life we are involved in all sorts of associations. We are all members of a nation which is, in effect, a very large association of people who are part of the Australian community. We have a community of interests as well as individual interests. It was John Stuart Mill who said that the only real freedom that one has in society is the freedom to have one's own thoughts, because once one expresses those thoughts in words or in action, immediately the impact of those can impinge on others. Indeed, everything we do in society has the potential to impact on others. There are many people in society who do not like the idea of having to pay so much tax, but within our structure they expect the benefits of being a member of our society and accept the responsibilities that go with it. In exactly the same way, it is appropriate that workers should be able, through their associations, to have benefits and responsibilities that accrue from them; it is perfectly acceptable that that should be the case.

The suggestion that the freedom of association conventions of the ILO are in some way contradicted by this legislation, does not hold. The system of federal registration is a voluntary one and there is no compulsion to seek federal registration. Indeed, federal registration is not a precondition for the establishment of an organisation. The honourable member opposite cited the example of the circumstance that occurred in New Zealand. But there are significant differences. In New Zealand there are no State bodies so there is not the possibility of registration through State organisations that exists in this country. It is inconsistent to quote that; there are no State jurisdictions in New Zealand.

The other point that needs to be made clearly is that there is the possibility of exemptions within this legislation in special circumstances, and the rights of appeal exist. So there is a whole system built

into the legislation which allows for consistency with the ILO conventions. It is humbug on the part of Opposition members to come here and parade the ILO conventions. In 1948, freedom of association conventions were first established and yet they did not become part of our industrial structure in Australia until 1973. That gives us all the years of the Menzies Government, the Holt Government, the Gorton Government and the McMahon Government before we had these ILO conventions on freedom of organisation being part of the structure within our industrial relations system in Australia. Therefore, it is inconsistent and hypocritical for members of the Opposition to come here and parade them because they do not have a history of supporting such conventions.

As far as seems practical, this Bill certainly proposes that there will be an exemption structure. There is the possibility of State jurisdictions and it is the case that there is no compulsion for registration. So it is inconsistent and dishonest for members of the Opposition to parade themselves as defenders of ILO conventions when I think they understand that this legislation is consistent with those conventions.

It was also mentioned by the honourable member for Higgins yesterday that the justification for the new exemption from the ballot threshold was a further case of this legislation in some way removing the rights of working people in this country. Sections 244 and 253G allow for large organisations that are not proposing to deregister in an amalgamation to be able to apply for an exemption from holding an amalgamation ballot. Indeed, what needs to be understood is that the granting of such an exemption is not automatic; it has to be applied for; it has to be publicly notified; and it has to be subjected to a public hearing. It is also the case that there is discretion to refuse the application and to require a ballot to be held. The exemption is only available to the larger organisation in an amalgamation where it is not deregistering. The smaller organisations would be required to hold a ballot. It is inconsistent for

members of the Opposition to see this as something other than a streamlining and a systematising of a process which we believe needs to be kicked along.

The legislation will improve and increase the number of amalgamations, and hopefully decrease the number of unions. It is our view that there needs to be an increase in the pace of reform. We do not disagree with honourable members opposite on that, so this legislation seeks to alter the registration requirements, increase the powers of the Australian Industrial Relations Commission (AIRC) over demarcation and liberalise amalgamations. Whilst those members opposite may spend their time spoiling, I think it is understood on both sides of this House that increases in productivity are absolutely seminal to the process of restructuring in this country. It is understood that there is the necessity to overhaul awards to bring about workplace reform and to rationalise the union structure. At the same time we see it as important to control aggregate wage outcomes. It is an important plank of economic policy and one which the Opposition would throw aside. It is one we believe needs to be kept in place.

I think it is accepted that the award structure has impeded change in the workplace. For too long there have been too many narrow pathways and work patterns for workers. Perhaps those patterns are not suited to modern machinery or modern methods. It is clear that such structures have complicated employee and employer dealings. They have discouraged training and they have locked up industry many times in obsolescent practices. It is the structural efficiency principle, which has been accepted by the AIRC which, broadly outlined, allows for no access to wage movements for workers who have not participated in restructuring their awards. What we are talking about in this legislation is adding impetus to that program, developing fewer unions, unions that are industry based, and larger unions which are more efficient.

Some concerns have been expressed about this procedure, and it is necessary that those concerns be addressed. But what

needs to be understood by people is that the Opposition is proposing more unions. It is proposing very large numbers of unions. Something like 800,000 enterprises exist in this country at the moment. If one per cent of those are larger organisations—enterprises that are not family companies or small businesses with only a few employees—then one is talking about 8,000 new enterprise unions, and one is talking about 8,000 enterprise agreements.

Is the Opposition suggesting that it is practical in any sense or form not to have those in some way overviewed by tribunals? Does the Opposition want to remove the umpire from that decision-making process? Does it seriously believe that one can have 8,000 enterprise agreements in this country, individual enterprise unions, and there will be coherence of view? Does it think that it is possible to have some sort of structure that ties all that together, without having an even more difficult and more massive bureaucracy? We are very concerned about that and we do not believe that it will function efficiently.

Of course, the reason for doing this is the cry for flexibility, but what needs to be understood is that there is already flexibility in the system. A number of speakers on the other side chose to mention the SPC Ltd difficulties that have been reported in the press over the last couple of weeks. I quote from the editorial in the *Australian Financial Review* of 19 December where, in relation to this question of flexibility, it was said:

The recent publicity over the "special" nature of the deal has obscured the fact that a far less high profile and official approach was available to the company through a certified agreement under Section 115 of the Industrial Relations Act, which offered the parties the chance to sit down and work out an unorthodox solution to a pretty orthodox problem.

There is flexibility within the system, and our argument is not necessarily in that case about the outcome; it is about the process that was undertaken. The Opposition comes into this place and talks about workers' rights and how they are being abrogated, so allow me to refer to yesterday's opinion piece in the *Austra-*

lian Financial Review. It relates to the SPC query and says:

The reality is that although SPC's 300 or so full-time employees have voted to accept the package, about 1,300 seasonal employees who work at the company during the two to three-month harvesting season each year have not been given a say at all in the deal.

These are not itinerant casual workers, whom it was impossible to consult.

The Opposition is saying, 'Okay, we are concerned about workers' rights; we are concerned about the structure and the way in which these agreements are made—but at the same time it is approving of this process which effectively removed the rights of 1,300 workers.

Our concern is that the process has not been followed in this particular case. Indeed, as long as we have large numbers of enterprises covered by numbers of different unions, as long as we have the multiplicity of unions and, indeed, if we had the possibility that the Opposition has foreshadowed of more and more unions, then we are not going to have an effective industrial relations structure that is as efficient as it possibly can be.

What we have in this legislation is something that will bring about industry unions in industries; it will bring about organisational coherence; and it is about systematic, orderly, managed change in the workplace. What the Opposition is offering us and what it has been offering for some time is superficial, naive and unstructured. There is no model for it; it is untested, untried and largely ideological fantasy. Rigour is required in industrial relations, and practical solutions rather than fantasy are required.

What we are talking about in this legislation is streamlining the process whereby we can get efficient amalgamations and more efficient worker unions that will do the job. I think this legislation has the support of the Australian Democrats in the Senate and it will be passed by this place, but I would hope that the Opposition would start to look with some rigour at these issues rather than trying to have a couple of quick slogs and think that it can win the match.

Mr BRADFORD (McPherson) (11.46) —The honourable member for Perth (Dr Charlesworth) is still playing games, I think, but this time he is playing games with people's jobs. He represents a government that is prepared to stand by while businesses, like SPC Ltd which he mentioned, close down, rather than recognise how much things have changed in recent times. He is living in the past, and the people of Australia will be glad when he and the Government are both history as well. He talks about and uses strong words like 'hypocrisy', 'dishonesty' and 'inconsistency', yet they are exactly the objections that we have in respect of this particular piece of legislation—the Industrial Relations Legislation Amendment Bill 1990.

Superficially, there are some attractive features of this Bill, but all that glitters is not gold. In fact, talking about glittering, the Government's performance in recent times in respect of industrial relations is somewhat tarnished—and that is despite the honourable member for Moreton (Mr Gibson) last night attempting to compare the level of industrial disputation under the Hawke and Fraser governments. We should think about the fact that the Prime Minister (Mr Hawke) was for most of the years of the Fraser Government the President of the Australian Council of Trade Unions (ACTU); and the Minister for Finance (Mr Willis), who is seated at the table, is a former Minister for Industrial Relations, so he is partly responsible as well. They sought for politically motivated reasons to create industrial havoc around this country, and they were fairly successful in doing it.

At the moment there are 299 unions in the system in Australia, and under the proposed legislation that number will be reduced substantially. That in itself seems to be a worthy aim, when one considers the economic turmoil that the trade union movement has forced on this nation in recent years. In fact, in mathematical terms, if one has some sort of an equation whereby fewer unions equals less trouble, certainly the Bill is commendable. However, it is proposed that this reduction be achieved by increasing the membership

threshold for a registered union from 1,000 to 10,000, and by making amalgamation procedures less stringent.

The Bill will also oblige the Australian Industrial Relations Commission to be advised by the ACTU; it will recognise the federation of unions prior to amalgamation; and it will provide exemptions from secret postal voting. But what this Bill will do in reality is increase the potential for corruption within the union movement to the extent, once again, that there is a nexus between power and the potential for corruption. If one needs any evidence that corruption is alive and thriving in many Australian unions, one has only to look at some of the horror stories being brought to light in the Queensland Government Cooke inquiry into union activities.

This Bill will effectively stifle the emergence of new enterprise unions and, in so doing, perpetuate and reinforce the crippling closed shop system under which we now operate and which is substantially responsible for the international uncompetitiveness that Australia labours under these days. Worse, it will increase the already disproportionate amount of power afforded to the ACTU, and it will deliver industries into the hands of militant left wing unions in some cases. The honourable member for Higgins (Mr Costello), the shadow Minister at the table, in his eloquent speech last night put his finger on the very reason for this Bill when he said that this Bill is simply a pay off to the Government's union mates. It is another pay off.

People might be interested to know about something I was reading just the other day. The Hawke Government, since it came to office, has provided grants to trade unions totalling more than \$25m. In fact, in 1989-90 the grants totalled a minimum of \$6.8m. Let us just have a look at some of these pay-offs: \$99,526 to the Victorian Trades Hall Council for various arts funding projects; \$29,487 to the Building Workers Industrial Union of Australia for performance projects, including, and listen to this one, \$5,000 for work site music programs—one imagines it must be music to stop work by; \$4,777

to the Western Australian Womens Union for a fabric wall hanging banner; and \$30,000 to the Victorian Trades Hall Council to employ a consultant to develop art programs in collaboration with unions—something to do with union culture, I suppose.

What this Bill does not do is address the problem of too many unions in the workplace, which is quite obviously giving rise to demarcation problems arising from the multiskilling process associated with award restructuring. In fact, this Bill is not designed to achieve any fundamental reform in the industrial relations system. It will not solve any of the industrial relations practice problems that have contributed to the economic downfall of this nation and that have led us down the path of the recession that the Treasurer (Mr Keating) tells us we had to have. It is not a Bill of reform. It is not a Bill designed to benefit the average union member.

The Industrial Relations Legislation Amendment Bill is an embodiment of the personal objectives of Mr Bill Kelty. Of course, we know of him as the de facto Prime Minister of this country. This Bill, as has been pointed out by previous speakers, had its genesis in a paper prepared by Mr Kelty entitled, *Future Strategies for the Trade Union Movement*, a paper that was adopted by the ACTU congress in September 1987. Mr Kelty quite correctly pointed out that the trade union movement was in decline for various reasons, and he detailed in his paper ways by which he proposed to reverse the trend.

One of the ways that he came up with was a reorganisation of the trade union movement to reduce the number of unions in Australia from about 325 down to 20. The rationale was that fewer larger unions would be able to better service their members and that fewer unions per industry would be more 'conducive to the development and maintenance of effective industrial relations' in an industry.

The truth of course is—and I think this is widely recognised by the Australian people—that without the effective closed shop that exists, most workers would opt

out of unions. In the sort of research that we have seen forthcoming, it seems that few workers have any faith at all in union leaders. If they were not forced to join a union, they would choose not to do so.

The Government, as the honourable member for Higgins also pointed out last night, is really quite frightened of making any commitment to allowing freedom of association within this country. I repeat his challenge. I notice that the honourable member for Brisbane (Mr Bevis) will follow shortly in this debate and I challenge him, with his Teachers Federation background in Queensland, to make an unequivocal statement—as the honourable member for Higgins called on the members of the Government to make—about freedom of association in this country. That will give the honourable member for Brisbane something to think about while he is sitting up there.

Mr Bevis—Stay in the chamber and you will hear it.

Mr BRADFORD—I will stay, and I will be very interested to hear what the honourable member for Brisbane has to say. The rationale for the amalgamation proposal has been seriously and quite capably challenged by several eminent trade unionists. They argue correctly that size is no guarantee of organisational efficiency and that it would be foolhardy to create union conglomerates that would be controlled by left wing militants.

Mr Kelty's vision for Australia is the super union—a series of super unions, in fact—which would ultimately grant his very own ACTU the power to pursue whatever political objectives its Executive decided upon and which would increase the potential thereby for large scale disputes based on such objectives. That is really the bottom line of this legislation; that is really what it is all about.

Kelty's vision is not shared by too many Australians. In fact, a number of prominent organisations do not share that vision. For example, the Institute of Public Affairs describes the proposition as 'the most serious threat to Australia's industrial future that it has ever experienced'. When one looks at the history of what we

have experienced, that is quite a statement because things have been pretty bad up until now.

Mr Costello—Who wrote that paper?

Mr BRADFORD—The Institute of Public Affairs. Did the honourable member write it? The Institute's *Review* magazine for Autumn 1990 goes on to say:

If we allow mega-unions to operate across our nation we risk industrial chaos of a type never envisaged before, and a general lowering of our living standards. The ACTU, with Federal Government compliance, is doing all in its power to bring about these mega amalgamations. The effect could be disastrous for the future of Australia.

Secondly, the Business Council of Australia bulletin of May this year says that amalgamations have the following effect:

... do not address the problems to which craft and occupational unionism give rise; will not make any material difference to the number of unions operating in many workplaces; will not significantly alter demarcation divisions; and will do little to increase the enterprise focusing of bargaining.

Make no mistake: this Bill is not indicative of a wide or canvassed opinion; its objectives are not to improve benefits to union members. It is the personal crusade of Mr Bill Kelty, the man who governs the Government. Its benefits—and I use that word very loosely—will be reaped by a select few union fat cats, who will become the power brokers with an unprecedented mandate to dictate the terms of industrial relations practices to government and to business. I suggest that this is worse than putting Dracula in charge of the blood bank.

Clearly, the objectives of the ACTU and Mr Kelty should not be misrepresented as national objectives. The honourable member for Higgins was very careful and correct in pointing out last night that the trade union movement as of about now can claim to represent only 40 per cent of the total work force and only 30 per cent of the private sector work force.

If one looks closely at the 20 clauses which make up the Bill, the hidden agenda of the legislation becomes blatantly obvious. Proposed section 4, for example, carries amendments to the objects of the

Act to promote the amalgamation of unions. However, it fails to stipulate the need to develop industry based trade unions in relation to craft or occupationally based unions. It also fails to address the purpose of amalgamations in terms of the need to promote broader economic objectives, such as increased productivity, which is really what we ought to be doing, or international competitiveness, which ought to be a main concern.

The Bill promotes amalgamation for the sake of amalgamation. It does not outline any of the proposed benefits of amalgamation simply because there is no evidence to suggest that there are any benefits. It is section 10 of the legislation that I and most members of the Opposition find most objectionable, and that truly reveals the reason for the legislation. It is, as I have said before, nothing more than a grab for power by the ACTU.

Clause 10 amends section 118 of the Industrial Relations Act to strengthen the onus on the Australian Industrial Relations Commission to consult the ACTU when considering a claim about union coverage. Imagine the delight that the Commissioner would have in consulting the ACTU on that or any other issue. The amendment will oblige the Commissioner to consider not only agreements, but also any understandings, when considering an issue of coverage. Consultation, however, need not be public. Whatever is put by the ACTU to the Commission will not be open to challenge. In short, whatever Mr Kelty and his mates say goes.

What would happen to agreements such as the one now being considered by the Commission from the Shepparton Preserving Company, SPC Ltd. This issue was raised by the honourable member for Perth (Dr Charlesworth). It has been a prominent issue in this debate, and so it ought to be. Faced with the prospect of having to shut down the SPC factory for historical reasons, whatever they were, union shop stewards—the workers, in effect—and the bosses sat down and negotiated a deal that would save the company \$2.5m next year.

Rather than an across-the-board 11.6 per cent pay cut, which would have achieved the same result, a package of measures was put together by the workers and the bosses. This package included a return to a 40-hour week, reduced overaward payments, the dropping of a 17 per cent holiday leave loading by staff not covered by industrial awards, the working of 10 Saturdays or Sundays during 1991 without penalty payments and the forgoing of four rostered days off. It sounds like a prescription for the salvation of the whole of Australia; however, at the moment we are only looking at what is happening at SPC.

In return for this offer by the workers, the management agreed to make even greater sacrifices in respect of their own remuneration, including the board chairman accepting a 50 per cent cut in his stipend and remuneration. Further, management made an offer to the workers that, when the company got back on its feet, the staff would benefit financially through a profit-sharing program. Hopefully, when we get rid of this Government and the rest of Australia gets back on its feet, SPC will be there as well.

When the staff got together to vote on this plan, 93 per cent of them agreed with it. In so doing, they agreed effectively to keep the union right out of this matter altogether so that they could get it settled quickly and get on with the business of keeping the company going. Predictably, of course, the unions—and especially John Halfpenny of the Victorian Trades Hall Council, one of the groups which got the arts grant from the Government, I think—have been screaming ever since.

The SPC situation is a watershed in industrial relations in Australia in many respects because it illustrates the capacity of workers and bosses to manage quite well without the union godfathers' oversight. We have seen that work, of course, in many other enterprises in Australia, I suppose most notably in Queensland with Power Brewing, which the honourable member for Brisbane (Mr Bevis) will be aware of, and the Metway Bank Ltd. It can work if it is allowed to work. The federal director of the Austra-

lian Small Business Association, Peter Boyle, talking about the SPC situation, said:

We could see the first substantial breakthrough in overturning the shackles of the antiquated and discredited system of centralised wage-fixing.

Yet it is that system of wage-fixing that this amendment Bill is designed to preserve and perpetuate. The Bill should be consigned to the garbage bin. By giving fewer unions control of principal awards, the Bill reinforces relativities between awards and cements the centralised, inflexible nature of the existing system. Clause 12, which amends the minimum membership requirement for registration from 1,000 to 10,000 will preclude the emergence of small enterprise-based unions.

The objectives of this Bill are glaringly obvious. The Bill sets out to stifle the flexibility that in today's economic climate is absolutely necessary within the union movement to allow workers such as those at SPC to keep their jobs. It is, as I have said before, nothing more than the embodiment of the personal agenda of Mr Bill Kelty. I hope and expect that the repeal of this piece of legislation and its replacement with innovative and forward thinking legislation will be a top priority for the coalition when it comes to government. The sooner that happens, the better.

Mrs JAKOBSEN (Cowan) (12.05)—I was interested in the comments of the honourable member for McPherson (Mr Bradford), not having heard him on this matter before. The Industrial Relations Legislation Amendment Bill is intended to facilitate the longstanding policy of this Government and the Australian Council of Trade Unions (ACTU) to reduce the number of unions and structure the remaining large unions along industry lines.

The Fraser Liberal Administration attempted to pass similar legislation through the Conciliation and Arbitration Amendment Bill 1982, which was designed to facilitate the restructuring of unions into fewer industry-based unions. That Bill lapsed with the 1983 dissolution. Seen in this light, the Opposition's actions on this

current legislation are particularly capricious and indicate its hypocrisy on matters relating to industrial relations.

In his contribution last night the honourable member for Higgins (Mr Costello) was especially cynical given his role in weakening the position of workers in the past. I know many honourable members are familiar with his position on these matters. It surprises me, however, that people who have been involved in business and have had to deal with unions on a large scale cannot see this as an easier and simpler way of approaching industrial relations than having a plethora of small unions, many of which cannot get agreement across the board on matters of great concern to business.

I was also interested in the reference by the honourable member for Higgins to the situation in New Zealand where the trade union movement has had a very negative experience from which I think the Australian trade union movement might learn. In New Zealand there is compulsory unionism, not preference for unionists as we have in Australia. In New Zealand, union dues were being paid directly to the union with no involvement of the union staff at all; the union staff lost contact with their members as a consequence and, when it came time for wages cuts and so forth to be discussed, the employers and the Government were able to go straight to the members of the union without going through the union staff or head office at all. As a consequence, terrible things happened to New Zealand workers. That is a real problem. I prefer our system of unionism, where people have to go out to work for the money that the membership wants to put into unions and where union staff have to explain and prove the need and requirement for unions in our society. That is not to say that one has a terrible view of all employers, but people are able to be exploited unless they have a very strong body to help them through negotiations that otherwise they may not be able to handle themselves.

The structure of trade unions is integral to their ability to participate constructively and usefully in the process of reform in which our society is involved at

the present time. The need to streamline the unions has been recognised for a long time, including in major economic reports from 1975 to 1990 which the honourable member for Moreton (Mr Gibson) mentioned in his speech last night. He referred to the Jackson Committee to Advise on Policies for Manufacturing Industry in 1975; the Coombs Royal Commission on Australian Government Administration in 1977; the Myers Committee of Inquiry into Technological Change in Australia in the 1980s; the Hancock Committee of Review of the Australian Industrial Relations Law and Systems in 1985; and the Australian Manufacturing Council report in 1990. In the context of the Opposition's comments last night and today, it is very interesting that the reports of all of these inquiries pointed out that multiplicity of unions is an impediment to industrial and administrative efficiency.

As honourable members would be aware, there are currently around 300 unions in Australia, representing almost 3.5 million members. Obviously that means that not every person is a member of a union. I take the point that the honourable member for McPherson made when he questioned the workers' faith in the union system. But when times are good and when there is an Australian Industrial Relations Commission ruling which assists workers in achieving wage increases, of course, people do not feel that they have to have a union to represent them because they are getting the benefits of the union's discussions with Government and employers at the larger level all the way through the society. It is not a matter of saying that people do not need the union; they still need the benefits that the union obtains, even if the benefits are obtained indirectly, not directly. In our society we are fortunate to have a system that lets the flow-ons go. If we had a system where only union members received the benefits that unions fought for and found, we would have a different situation and, mark my words, many more people would be interested in becoming members of a union.

In a recent survey of 336 workplaces, it was noted that 95 per cent were covered

by more than one union; 50 per cent by four or more unions; 29 per cent by six to 10 unions; and 6 per cent by more than 10 unions. That same survey indicated that in the public sector 21 unions cover Telecom Australia and more than 50 unions cover the Commonwealth Public Service. There is no doubt, as these reports have shown in the past, that dealing with only one or two unions in each industry would be a cost saving and an efficiency boosting initiative. Obviously, it takes less time to deal with one, two or three unions than it does to deal with 10, 12 or 50, and it is much more likely that a consensus approach will be obtained. I understand that consensus is not a word that the Opposition favours. The Opposition in many instances has preferred confrontation. I can only assume that the Opposition is concerned about this Bill because its confrontationist approach will not be aided by it.

The benefits to industry and the economy flowing from this Bill are, as has been indicated already, quite large. Reducing the number of unions will make dealings between employers and employees a much simpler process, as I have already mentioned, and union amalgamations will reduce, if not eradicate, demarcation disputes—one of the most prominent causes of lost time through industrial disputation.

The Australian Council of Trade Unions, as the peak body of Australian trade unions, has passed several resolutions supporting rationalisation of the number of unions. Although some smaller unions have voiced concern over the possibility of their members being ignored in a larger organisation, recent figures indicate that only 15 per cent of union membership is at 10,000—with 85 per cent of workers already being in such unions. So it is not really a factor that they have to worry about.

Amalgamation ballots will be conducted by the Australian Electoral Commission. That will overcome some of the concerns about corruption pointed out by the honourable member for McPherson. I do not think any honourable member in this House, where we all rely on the Aus-

tralian Electoral Commission to be elected, will allege that that body is corrupt or corruptible.

The current administrative and legislation disincentive to amalgamations will be streamlined and telescoped as part of the Act. Amalgamation procedures currently taking up to two years will be reduced to a few months at the most as a consequence of the undertakings in the Act and the amendments contained in this Bill.

A number of honourable members in this debate have mentioned the position of SPC Ltd. I make a few points on that because I think it is an important milestone in Australia's industrial history, especially as there is a downturn in our economy. The debacle at SPC tempts lazy thinkers, such as those in the Opposition—I will not mention the honourable member who has just spoken—to target wages policy as the main problem with Australian industry. Wage cuts are a knee jerk reaction to a much wider problem, caused by poor management practices in the boom years preceding our current position. They also overlook the fact that unit labour costs have been falling, not rising, in recent years as workers have borne their share of Australia's economic burden—that is, the Howard-Hewson heritage: the \$9 billion deficit and all the things we have had to do since then to overcome the problems caused by it.

In the case of SPC, some sacrifices clearly need to be made. Unfortunately, it is the workers who are going to make more and most of them, even though management is clearly to blame for the company's problems. Fruit grower shareholders sacked five directors at the company's annual general meeting in May. That was not because they liked them, surely, or approved of what they were doing to the company. Workers were not involved in any of the critical company decision-making. Now, of course, the unions have suddenly decided to be involved because somebody wants the workers to cut their pay. Through attrition and voluntary redundancy, the workers have already suffered a 25 per cent cut in their number. After that cut, the

remaining staff set new production records. What more can these poor beggars do? The Opposition now wants them to go absolutely broke while working for the company.

Mr Anderson—They wanted to.

Mrs JAKOBSEN—They do at the moment. I am about to explain why it is not a good idea. The SPC issue should not be held up by the Opposition as an example of the success of enterprise bargaining. Indeed, it should serve as a warning to Australian workers that, unless they have rare skills and their bargaining power is stifled by award payments, they would almost certainly be worse off in any enterprise bargaining situation.

In times of economic hardship, it is not uncommon for workers to be asked to accept wage cuts in order to save their jobs. History is littered with these proposals. I agree that it must be tempting to the people involved as the best of two very bad options. However, it is based on a false principle and runs counter to all the rules of anti-recession economics, especially Keynesian economic theory, which I realise not everybody in this House subscribes to.

If a worker's wage is cut, he and his family have less money to spend in paying the butcher, baker and supermarket operator. The multiplier effect of this contraction in spending is phenomenal and dangerous in its impact on an economic downturn, especially in country towns and regional areas. It exacerbates and exaggerates the consequences of any downturn. Ironically, one of the first items the worker's family will be unable to afford will be the very tinned fruit that is produced in the SPC or Ardmona factories. Tinned fruit will rapidly become a semi-luxury item that ordinary families cannot buy. If it cannot be bought in the domestic market, the company's economic position will deteriorate even more rapidly and the workers will lose their jobs anyway.

The propensity of Australian working families to expend a large proportion of their earnings is what keeps our economy going around. Talk of recession, proof of a serious contraction in the economy such

as attempts to cut wages, close the hand and make it into a very tight fist. That tight fist is both a symptom of recession and its cause. Saving is important in a booming economy. Spending is necessary to redress a recession. People without money and wages cannot spend.

I remind honourable members in passing of the old story of the £5 note in a small country town rapidly going broke. I am sure that all honourable members who have studied economics have heard the story, which is one of hope and credit. If people have no hope they will not spend money; if they have no credit they will not spend money. We need to have that sort of situation in order to get the economy turning again.

Quite a few things have been said about the SPC situation which I will not go into at this juncture except to point out the excellent editorial in the *Australian Financial Review* of 19 December.

Mr Bradford—It's rubbish.

Mrs JAKOBSEN—The honourable member for McPherson may think it is rubbish—I am sorry if he does—but I suspect that those on that paper know a little more about economics than he does. It is important to quote at least one paragraph from the editorial:

It is a familiar and depressingly knee-jerk reaction to a problem to insist that, if sacrifices are to be made, it should be the workers at the plant who have to make them. Not management, the banks, or the suppliers, but the workers, trying (perhaps in vain) to protect their jobs in the face of mistakes by the co-operative's previous poor management, including several ill-advised ventures which lost a great deal of money.

That may not appear to have a great deal to do with the Industrial Relations Legislation Amendment Bill which we are discussing today, but I put it to honourable members that without decent amalgamations and large unions we will not have successful industrial relations continuing in our country. We will not save money and time that is currently being expended in negotiating with a multiplicity of groups when there is no need to negotiate with so many people. The workers at the SPC factory in particular will be helped by having an amalgamated union that had

the power and interest to go on their behalf to SPC and point out to the management that there are other alternatives which they have admitted they have failed to take up to assist their company in a time of undoubted difficulty.

Mr ANDERSON (Gwydir) (12.20)—It was a little misleading of the honourable member for Cowan (Mrs Jakobsen) to imply that the honourable member for Higgins (Mr Costello) had been instrumental in his past—which seems to concern many people in this place—in seeking to weaken the position of workers in this country. It seems to me that he may have been more instrumental in seeking to weaken the strength of some particular union officials so as to correct something of an imbalance that has emerged, in favour not only of the employer but also of the workers. The very nature of our commitment to enterprise focused industrial relations is largely to give back to workers a greater degree of say and responsibility in their own lives and to enable them to have a greater input, not only to the mechanics of how they work, but also to how they might seek greater productivity that will ultimately be the only means by which they will find their way into a higher real wage future.

The honourable member for Cowan went on to say that the Government's legislation will reduce the number of unions that cover each workplace, as though she agrees with us that having to deal with fewer unions might facilitate the negotiating process. That is fine, except that the way to achieve that objective is not the Government's way; it is our way. The Government will not have anything like an adequate effect in reducing the number of unions that most enterprises will have to deal with under the formula that is being put to us. Before moving on, I also suggest to the honourable member for Cowan that her remarks in relation to the Howard-Hewson legacy and the purported \$9 billion deficit that they were supposed to be going to leave us really pales into insignificance beside the legacy that her Government appears to be ready to hand on to the Australian people in terms of our accumulated external debt.

I turn to the speech of the honourable member for Perth (Dr Charlesworth). Does he really believe that because, in John Stuart Mill's words, the only freedom we really have is that which centres on our thought processes, that somehow forms a legitimate basis for the argument that the right to belong or not to belong to an association is not to be respected? I cannot really bring myself to believe that an educated man, such as the honourable member for Perth, can believe it, yet that is the only interpretation that I can put upon the words he used this morning. It is absurd for him to accuse us of being dishonest in seeking to pretend that we uphold the values of the International Labour Organisation agreement, when all that the honourable member for Higgins put to the Government is that it had gone beyond even the limited reasonableness of that agreement.

The honourable member for Perth says that no model for what we propose exists in the rest of the world. We have a model for the Government's system, a system about which nobody else in the world seems to be particularly keen. No successful economy that I am aware of has such a highly structured and rigid system. Now that we have a model for the Government's system, the Government ought to be extremely keen to drop it, because it has not worked very well.

The honourable member for Moreton (Mr Gibson) in his contribution last night predictably sought to slate the Fraser Government for the industrial unrest during its period in office. I found myself asking why honourable members opposite will never tell the whole story. Why is it that we never hear anything of the leadership and policy development of the union movement in those days? Why is it that only the Treasurer (Mr Keating)—for reasons related, I suspect, more to the internal politics of the Labor movement than to any commitment to objectivity—seems to be willing to acknowledge the role of union leadership in the massive loss of jobs in the early 1980s? Why is it that the wages blow-out in the early 1980s was all the then Government's fault? Everyone I talk to in the real world seems

to be under the misguided impression that it had something to do with an Australian Council of Trade Unions (ACTU) led wages blow-out.

Like Mr Keating, who told George Campbell at that remarkable Hobart conference that 100,000 jobs hung around his neck for his efforts in pursuing higher wages when they obviously could not be afforded, we have obviously all misunderstood history. Never mind; honourable members opposite will rewrite it in such a way that we will all understand what really happened—poor misguided creatures that we are. But they will have to be particularly ingenious when it comes to rewriting the history of their period in government during the 1980s if we are to be led to believe that the Hawke years have seen a successful reformation of industrial relations in this country.

If industrial relations are about the way we work, the way we pay ourselves and how we utilise the human and other resources available to us, any examination of our performance in this country in recent years would very rapidly evidence that we have got it wrong, wrong, wrong—with a capital W. A population as small as Australia's, sharing the advantages of the vast resources available to it—centring on everything from soils to mineral wealth to the educational opportunities that are available to people and even, some people may laugh, to our political stability—should be prosperous indeed.

There should be no need for Australia to be in economic crisis. There should not have been the need for our living standards to have fallen away as they have, for our workers to take cut after cut in real wages, for our unemployment queues to grow and for our young people to despair of finding meaningful jobs and career paths. We should not have a burgeoning debt level as the great teller of these economic failings—a burgeoning debt level that sees personal debt, business debt and public sector debt all growing fast as our monthly trade deficits mount. Much of that debt is owed abroad to people who are more productive and save more than we do. Our failure to address those two problems—our poor productivity and our

low savings levels—is the mark of our inability to reform the way we work, pay and manage our affairs.

We now find ourselves with a magnificent home grown recession, just in time to be sent for six by the impact of a world-wide downturn in commodity prices and economic growth. We are in this position because we have not been using the massive resources available to us in a sensible, productive and responsible fashion. A key aspect of the problem lies with the industrial relations system in this country. It has lacked the flexibility and the adaptability necessary to cope with our changing circumstances and has ensured that those changing circumstances have become master of us rather than allowing us to become master of them.

By the same token, without change or reform, we will neither avert the worst of the looming crisis nor successfully turn our circumstances around. One of our failings in this country has surely been that when we get a downturn, we go into it as an unproductive country and come out of it without having learnt any lessons or having reformed the way we do things. If we are not careful, we will lock ourselves into a debt spiral from which it will be extraordinarily difficult to escape. There is broad agreement in the Australian community that we must move down the road from our current inflexible, trades-based union structure and the highly inflexible system within which it operates.

The Industrial Relations Legislation Amendment Bill 1990 seeks to move our system more towards the concept of industry-based unions. Our traditional trade or craft-based unions are largely historically based, with members belonging mainly to the trade or trades represented by the unions concerned. Supporters of craft-based unions have traditionally argued that its members have a great commonality of interest in their work, their safety conditions and concerns, and in the alignment of their awards and conditions in such a way as to allow for free movement between workplaces. Detractors, including those on this side of the House, would point towards the inflexibility and

the lack of adaptability generated under this system.

One of the great problems is the potential for demarcation disputes, common in Australia, especially if one workplace introduces a new or different practice or a new technology. This is acting and has acted as a great disincentive to increased competitiveness in the Australian work place. There is also an absurd lack of capacity to recognise the differing work skills and abilities of workers. There is simply not the scope to offer some reward to the worker who desires to do a better job or to go the extra mile. Nor is there—and I do not believe that we should shy away from this all the time—sufficient room to allow the shirker or the less motivated to pay something of a penalty for his attitudes or for his effective performance in the workplace situation.

That is to say nothing of the almost total lack of acknowledgment under the current system of the varying capacity of different employers to pay, nor indeed, for that matter, the varying capacity of the same employer to pay as economic circumstances wax and wane. That is exactly what we are seeing at the moment. The very employer who may well have been able to set some upward standard three years ago may now be the firm which, through changed circumstances, finds that it is leading the way into reduced circumstances. We have an almost total inability to cope with the realities of life in that way.

As we move away from this model, from this craft or trades union based version, we come to a fork in the road. The Government is choosing the wrong road, the road that is marked 'industry based unionism'. It runs directly counter to the way that we on this side believe that we must go. Judging by all the evidence, the interesting thing is that increasingly most Australians plainly are with us on this side of the debate. The road that they are increasingly evidencing that they want to go down, and which we certainly want to support them in, is the one marked 'enterprise focused organisation'.

This legislation actually walks in the opposite direction to enterprise bargaining. It rejects the idea that small is beautiful and instead goes the *Australia Reconstructed*, Swedish style, big is beautiful way. It might be very instructive if some of those people who went to Sweden in 1987 and who came back telling us how wonderful it all was over there were now to return and have a close look at where Sweden is at the moment, and then come back to Australia and tell us what we might reasonably expect if we follow that Swedish model, that big is beautiful approach. It is not attractive, and I do not think it is relevant for Australia. I do not think very many Australian workers would be particularly impressed by it.

This legislation proposes—obviously I am hashing over ground that has been covered many times here today—to require unions seeking registration under the Act to have a membership of 10,000, rather than 1,000 as at present, and it enhances the role of peak councils, which essentially means the ACTU. It amplifies the powers of the Industrial Relations Commission to grant preference to union members and it provides a procedure to make union amalgamation easier.

It is, of course, true, as the honourable member for Higgins pointed out last night, that there is nothing currently preventing unions from amalgamating as they might themselves see fit. All that is required is one-quarter of the members of a union to vote and more than one-half of those voting to vote in favour of amalgamation—that is to say, one-eighth of the membership of a union can secure an amalgamation. The fact that so few unions have amalgamated is surely evidence of the reluctance of trade union members to go down that road. Accordingly, we find that the Parliament is being asked to intervene to make union amalgamation more attractive or, perhaps I should say, harder to resist.

The purpose of the Bill is to do by legislation that which most union members have not been interested in doing by choice. The last few days have seen plenty of evidence that many Australians want to do it our way, not the Government's

big is beautiful way. They have been voting with their feet for enterprise focused approaches to the current problems that they face in their workplace situations and which they see as threatening not only their job security but also the future of Australia's economic performance.

There have been plenty of references both to SPC Ltd and now the Prospect County Council (PCC) in this debate. The principle of enterprise focused organisations is that all employees of a firm or enterprise will identify—and identify in terms of the pursuit of their own interests—as belonging to that unit, regardless of the functions that they actually perform within the unit. This is the model which might best serve the desperate need for the common identification by employees and employers together of mutual interest and advantage, and by extension maximise prosperity and job security. This is the option most likely to allow for the rebirth of drive, initiative and genuine consensus in the Australian workplace. This is, I would suggest, to take the high view of Australian workers and their capacity to display commonsense and balance and sensibility in the exercise of choice in their lives.

I never cease to be amazed by what seems to me to be the contrast between the rhetoric of the Prime Minister (Mr Hawke) about the need for us to be a clever, fairer, more compassionate society on the one hand—that is a high view of the Australian people—and his talk of industrial reality on the other hand, which always seems to lead into a situation of taking a low view of the Australian workers' capacity to do things sensibly and not resort to industrial anarchy whenever they are given the opportunity for some freedom and some movement.

Mr Tim Fischer—Regulation and protection.

Mr ANDERSON—That is right. The Prime Minister tells us that the Australian people are intelligent, capable and clever on the one hand and then needing a policeman in industrial relations on the other hand, because without the policeman workers will resort to industrial anarchy.

The policeman is the so-called wages policy under Labor and the accord, waving the big stick of loss of jobs.

I believe that that is patronising in the extreme to the Australian people. We need an enterprise-based model which will allow for the inevitable ups and downs of economic activity and opportunity without sacrificing jobs and viability every time there is a down and which allows everybody to benefit fairly when the ups come. Despite the rhetoric of those with vested interests in the retention of the present highly centralised system, that is the best way to improve the real living standards of Australian workers. That is what SPC and Prospect is all about.

Before my speaking time comes to an end I would like to counter all the references to one set of editorials with a comment from Mr McGuinness who wrote some interesting comments in the *Australian* on 20 December. He said:

If the Federal Government were in fact interested in micro-economic reform and putting the Australian economy on an efficient and internationally competitive basis, it would have welcomed the trade-off of award conditions for employment agreed between the management and employees of the SPC cannery in Shepparton.

If it believed in policies which softened and spread the impact of recession created by its own policies, if it believed in the abolition of poverty rather than the rampant power of the union movement, it would be welcoming the deal also.

And if it genuinely believed in industrial democracy, it would be taking a great interest in the offer by the SPC cannery management to its workers of a profit-sharing deal on terms negotiated between them and the management.

Finally, I turn briefly to the PCC. I would like to quote some remarks by Mr Keith Lumsden. He has entered into an arrangement where he has traded some conditions in return for a handsome pay increase—the workers get more money, the Council gets more work for less outlay and everyone wins except perhaps the industrial relations club. Mr Lumsden, one of the Council's eight main superintendents, is more than happy about this. He has personal use of a car, as well as a 7 per cent pay rise and, where necessary, he is prepared to work many hours more than he might have before. He says:

As a package I can't see anything wrong with it. I believe Australia and industry have got to start and look at what we have got which isn't in sync with the rest of the world.

We've got to use our skills—and staying at home won't get us out of the mire.

In short, he is prepared to go looking for the leadership which is not being provided from the sources we might reasonably expect it to come from. It is apparent that many Australians feel that the trade union movement is becoming increasingly irrelevant. We heard last night that only 30.8 per cent of the private sector work force now—

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

Mr BEVIS (Brisbane) (12.40)—On this our last sitting day prior to Christmas, in deference to some of my colleagues I will endeavour to be briefer than I might otherwise be on this topic.

Effective industrial relations and a proper wages policy are central to the effective management of the economy as a whole. The Hawke Government's record in industrial relations and in the creation of industrial peace is impressive by any measure. The number of days lost due to industrial action is down some 62 per cent during the period of this Government compared with that of the former Liberal Fraser Government. The number of days lost in the year ended August 1990 is the lowest annual figure since 1967. In fact, the number of days lost in the month of August this year was the lowest monthly figure since 1964. By any standard that is an impressive result and it is an indication of the consensus, the consultation and the cooperation which the Hawke Government has been able to foster, not just with the trade union movement but with the industrial relations fraternity and the employer groups centrally involved in that. It stands in marked contrast to the sorts of divisions, strikes and bans that so characterised the 1960s and 1970s.

As a union official during some of that time, for 13 years from 1977 until early this year, I in fact witnessed first-hand that change in practice and that change

in psychology. Those days of knee-jerk reactions to situations, when stop-work meetings and strikes were the first decision taken by employee organisations, have changed dramatically to a situation where now unions, and the peak council in particular, take a leading role in this country in fostering a debate about sensible management of our resources, equitable distribution of our wealth and the transformation of our economy so that it is genuinely more internationally competitive. This Bill is part of that process. It represents another example of the Hawke Government's commitment to foster micro-economic reform.

Over the last few days in preparing this speech I was not sure exactly what I would say, but I received some inspiration from honourable members opposite after listening to the debate yesterday and this morning. I want to comment on some of those things that were said during this debate. The honourable member for McPherson (Mr Bradford), in what really I imagine was an irrelevant aside, referred to the arts programs and the funds that have been expended there. Given that the time is short, I will not spend long on that but I want to make one comment given that it was introduced into the debate. I find it more than passing strange that there is somehow an error in the Government's policy—that it is somehow improper—in providing funds for musical productions, arts and the theatre at workplaces, delivered in consultation with unions; yet it is a virtue to spend many times more than that on operas and large theatre groups. If those opposite in fact claim that those services and those cultural activities have no place amongst the workers or that they have no place in the work environment, it seems to me that their position is yet again an example of cultural arrogance that some on the Opposition benches continue to hold.

The Opposition and the honourable member for Higgins (Mr Costello) yesterday referred to SPC Ltd as though it were in fact some guide to the future direction that industrial relations should take. A number of references have already been made to it and to the press coverage of

it. I wish to refer to some of that press coverage and to quote some passages which have not yet been written into *Hansard*. The *Australian Financial Review* of Monday 17 December summed up the position at SPC by saying:

... the SPC deal is a classic case of a workforce picking up the tab for management's failed diversification strategy.

Let us put the blame squarely where it rests rather than talk about employees now giving up their conditions. On Wednesday of this week the *Australian Financial Review* commented:

It is a familiar and depressingly knee-jerk reaction to a problem to insist that, if sacrifices are to be made, it should be the workers at the plant who have to make them. Not management, the banks, or the suppliers, but the workers, trying (perhaps in vain) to protect their jobs in the face of mistakes by the co-operative's previous poor management, . . .

How anyone opposite can point to SPC as an example of the sorts of industrial relations that we should foster is a disgrace. In effect, the Opposition wants the workers to pay the price for bad management decisions—decisions which they were never consulted about, much less involved in. As the honourable member for Cowan (Mrs Jakobsen) quite properly pointed out, now that the company is in grave difficulty it turns to the workers—not for advice but for sacrifice. That is a totally hypocritical position to adopt, but it does illustrate the relative bargaining position of the two groups, which I intend to refer to later when I make some comment about the freedom of choice—words so often bandied about by those opposite but seldom analysed.

Employers and the Opposition have often complained about union power, and we have heard it again today. Yet, when it suits them, the same people will complain that union leaders do not have the wherewithal to deliver on agreements. I have been at meetings as a union official where agreements have been reached and where, as a responsible union official in a democratically organised employee group, I have given commitments to go back to my members and to recommend those decisions. I have had the same people on the other side of the table tell me, 'But

you are the leadership of the union. Why can't you agree and sign on the dotted line?'. The same people who in other circumstances complain about union leaders having too much power argue, when it suits them, for those union officials to have greater power.

The honourable member for Higgins claimed that the Opposition would remove unions from collective bargaining processes and help workers to set their own conditions. That view has been echoed in a number of the speeches that we have heard from those opposite. We have heard a lot about freedom of choice and the rights of individuals. I must say that I find it a little difficult to accept that from some people, including the honourable member for Higgins—a person whose name in industrial relations was made by destroying unions and helping employers to reduce working conditions. The association of those opposite with the H.R. Nicholls Society and with benchmark decisions such as in the Dollar Sweets dispute some years ago indicates their real intention in these matters.

I ask: why is it that those opposite argue that we should go outside of the industrial relations system, outside of the Industrial Relations Commission, outside of the negotiating table between unions and employer groups? Why do they say that we should move from that system? What is their motive? Is it to increase the conditions of employment and salaries for those people in the places concerned? Of course, it is not. They have no desire to increase the living standards and the salaries of those people who they seek to represent. In fact, there is no need to go outside the established system because the current Industrial Relations Act—and this Bill does not affect this matter—allows for enterprise—specific awards or agreements to be signed and entered into force. There is no need to go outside of the current system. The current system caters for it. That too was recognised in the SPC case quite properly by the *Australian Financial Review*, again on Wednesday 19 December, when it stated:

... a far less high profile and "official" approach was available to the company through a

certified agreement under Section 115 of the Industrial Relations Act, which offered the parties the chance to sit down and work out an unorthodox solution to a pretty orthodox problem. But "cleverness" has not shown itself in this particular episode.

I have to say that nor has cleverness shown itself in the contributions of those opposite to this debate.

The real agenda of those opposite and the people they represent is to remove altogether the wage determination process from the industrial commissions. Make no mistake, that is the real intention. Other people on this side of the House have pointed in the debate to the fact that if those opposite adopt their enterprise bargaining approach across the country and if only one per cent of Australian enterprises establish unions, we will have not the 300 unions we have now—which is about 10 times more than we need—we will have 8,000 enterprise unions. Imagine the degree of equality that would exist for people in that situation.

We have only to look at the Opposition's performance in States where it has control of State parliaments and has endeavoured to adopt enterprise bargaining. There is no better example than my own State of Queensland. The former National Party Government introduced voluntary employment agreements which had no reference whatsoever to the Industrial Commission and which were specifically designed and set out to ensure that the conditions of those people affected were of a lesser standard than those set out in an award.

Time for this debate is fast evaporating. I wish to make only a few more points in the limited time available to me. Mention has been made of collective bargaining and the freedom for individuals to negotiate. In fact, the honourable member for Higgins, if I recall correctly, went so far as to claim that workers want to know why they can negotiate the price of things they buy but not their own labour. I am not sure where the honourable member for Higgins shops, but I suggest he go down to his local Coles or Woolworths supermarket and have a go at negotiating

the price of the bread and the meat and the rest of the food he buys over the counter. He might try it at Myers when he does his Christmas shopping. He might even go to the bank to try to negotiate interest rates on his loan and his investments. It is there that we start to see some of the answers. In each of those cases, if people are big enough and powerful enough and rich enough, they can in fact negotiate a reduction. They can bulk buy and invest big sums of money, but ordinary people in this country who try to do that cannot.

If an ordinary person were to front up to an employer and say 'These are the conditions I want to work for', what chance would that person have of negotiating a meaningful and effective agreement? Where is the parity in that negotiation? It is patently clear that there is no equity in that situation, none whatsoever. If honourable members opposite do not recognise that, they should realise it was recognised in this country in the early part of our Federation, when our current system of establishing an independent umpire to sort things out was determined. That was in 1904, if memory serves me correctly. That situation has existed throughout the history of this nation and it has served the people well in establishing some equity.

Honourable members opposite appear to have a yearning to go back to those days of enterprise bargaining, back to the days when trade unions were not in a position to represent the members and workers of this country. There is some irony that, as we approach the end of the 1990s, next year marks not only the centenary of the formation of the Labor Party in this country but also the centenary of the great shearers' strike of 1891, which many people will know set the course not only for the formation of a political party but also for a great trade union movement. In pursuing the course they now pursue, those opposite have evidenced their own desire to turn back the clock to the last century.

There are many other things that I wish to say in this debate, but time does not permit me. I conclude by making some

reference to the actual number of people affected by this Bill. When we consider the position of those opposite, we have to wonder how widely this net is cast. In fact, if we have a look at the figures for federally registered unions to see how many of them have fewer than 10,000 members, we discover that there are some 90 federally registered unions with an average membership of 2,306. If we consider the entire country, with an average union membership of 2,306 by anyone's estimate that is a relatively small organisation. Moreover, these unionists represent only 7 per cent of the trade union movement's membership.

This is a trade union movement membership which we are repeatedly told by those opposite is reducing. There is conflicting evidence on that point, but I am quite willing to concede that as a trend that has been the case. Trade union membership stands at somewhere around the 42 to 52 per cent mark, depending on which gauge one chooses to use. That in itself is worth commenting upon. Honourable members opposite have complained bitterly about closed shops. They have complained bitterly about compulsory unionism. In the next breath, they have told us that half the number of employees are not in a union at all.

If there is no freedom of choice, as those opposite would have us believe, I wonder what it is that the other 50 per cent of the work force do in order to get out of what those opposite claim they have no choice in getting out of. Those opposite have based their argument on absolute nonsense. It is an argument predicated on assisting the privileged yet again. This Bill has important aspects of equity underpinning it. It has important economic issues underpinning it and it will provide yet again an opportunity to improve micro-economic reform at the workplace.

Anyone who has been involved in those negotiations, either on the employer or the employee side, will know that one of the impediments to changing work practices is the multiplicity of unions. The measure introduced by this legislation is a good one. It deserves the bipartisan sup-

port of this chamber because of the improvements it will make to our economy and to the living standards of Australians. It is a pity that those opposite have their minds set in the 1890s and not in the 1990s.

Mr SHACK (Tangney) (12.56)—I am pleased to rise in this debate to join my Liberal and National Party colleagues who have spoken today and last night in this chamber and in the Senate, where this legislation was originally introduced, to voice our implacable opposition to the Industrial Relations Legislation Amendment Bill. We opposed the Bill in its original form and we oppose the Bill as it now comes into this chamber as amended by the Senate. Our opposition is rooted in a fundamental opposition not just to the specific terms of this legislation but to the Government's overall industrial relations approach. Far from being reform, this Bill is in fact regression.

The honourable member for Brisbane (Mr Bevis) asks the somewhat rhetorical questions of our side: why is it that we wish to move outside of the industrial relations system? Why is it that we wish to move outside the Industrial Relations Commission. The simple answer I give him, and it will characterise my remarks in this debate, is that it is because we wish to move to a more flexible, more efficient, more productive and more competitive economy. That is what industrial relations is all about if Australia is going to achieve the potential that we would wish it to achieve for our children and their grandchildren.

We place the Government on notice that, when the sides swap after the next election, not only will we undo this legislation but also we will introduce a policy and give effect to it by legislation which will do away with the effects of this Bill. They are wrong in principle, they are wrong in practice and they are wrong in direction.

This Bill has two main features that have been well canvassed by others, and I will simply recall them. Firstly, it seeks to provide the legislative framework for the marketplace whereby there will be a

reduction in the number of unions. On the figures available to me, there are currently 299 unions. This legislation, as now amended by the Senate, seeks to bring about a situation whereby there will be only 65 unions; prior to the principal amendment in the Senate, it would have been an even lower number of 46. The first thing this Bill seeks to do is to provide the legislative backup to reduce the number of unions in this country.

Secondly, this Bill seeks to further entrench and extend preference to trade unionists in the Australian work force. If we listen to Government speakers, as I have done in this debate, if we read or listen to some of the more prominent trade union officials, and especially the Australian Council of Trade Unions (ACTU) executive, they argue that fewer and larger unions will better serve their members. They also argue that fewer unions per industry will, by itself, bring about a more efficient and effective industrial relations system. That is the major thrust of their debate in support of this legislation.

As pointed out last night by our major spokesman in this debate, the honourable member for Higgins (Mr Costello), the reality underpinning the legislation is that it is a Bill Kelty and Australian Council of Trade Unions attempt to arrest the decline in union membership. The previous speaker, the honourable member for Brisbane, recognised that there is a decline in union membership in Australia, and without playing with figures, the latest figures that I received from the Parliamentary Library this morning, across all sectors, reveal that approximately 41 per cent of the Australian work force belongs to a trade union.

The Bill seeks to arrest that decline in union membership, which is now down to only 41 per cent and is lower in the private sector. The Bill also seeks to centralise ACTU control. This is not a unanimous view within the trade union movement and there are some significant figures, in New South Wales especially and on the right wing generally, who are not happy with the Bill. Honourable members do not have to take my word

for it as to its main thrust; they need only go back to some original work from Bill Kelty, who wrote and published a paper in May 1987 entitled, 'Future Strategies for the Trade Union Movement', which was adopted by the ACTU Congress in September of that same year.

In that paper, Mr Kelty argued that the trade union movement was in decline for a number of reasons and he put forward a series of proposals to reverse the process. One of those proposals, lo and behold, was a reorganisation of the trade union movement to reduce the number of unions in Australia from about 325, as it was three years ago, to about 20, according to broad industry categories. That is the origin of this particular Bill.

That Kelty paper was further expanded into a more elaborate and glossy publication entitled, 'Can Unions Survive?' by the then Secretary of the ACT branch of the Building Workers Industrial Union, Mr Peter Berry, published in September 1989. Honourable members should not be surprised to learn that Mr Berry is now a consultant to the Federal Minister for Industrial Relations, Senator Peter Cook, and the Victorian Minister for Labour, Mr Neil Pope, and it was Senator Cook who introduced this Bill into the Senate.

There could be no greater policy gulf in Australian politics today than that between the current Government and the Opposition in this policy area of industrial relations. It is manifest in part by the Bill and in the marketplace it is currently manifest in part by the circumstances surrounding the SPC dispute.

I want to underline the Liberal-National Party coalition position on industrial relations. We have a published policy which has been in existence since 1985. Since the subsequent elections that took place in 1987 and 1990, we have refined this policy in minor respects. It is a well-developed, coherent document which is a blueprint for our action when the Leader of the Opposition (Dr Hewson) is Prime Minister after the 1993 election.

We believe in trade unions because we believe in the right of people to join trade unions, if that is their wish and desire. It

is spelt out clearly in our policy: the Liberal and National parties believe that unions have an important role to play in representing the legitimate interests of their members. We welcome responsible unionism and support the right of all employees to join a union.

We have heard drivel from Government members alleging that the Opposition is somehow anti-trade union. In terms of our belief in people's rights in a free and democratic society such as ours, we strongly believe in unions and the right of people to join unions. With that opportunity and privilege, however, there is a converse side because we equally believe in the right of people not to join, the freedom to associate, the freedom to dissociate and the freedom to not even associate in the first place. The two go hand in hand and therein lies the big gulf between the Opposition and the Government because the Government believes in civil conscription into the trade union movement.

The Australian Labor Party (ALP) believes in compulsory membership, closed shops and preference clauses. We will have no truck with or bar of that sort of monopolistic, undemocratic view of people's rights in society. The honourable member for Brisbane, who regrettably has left the chamber, said that we should not be worried about this anyway because trade union membership is declining—'What are we complaining about? It is only going to affect a small number of people in existing unions'.

The great problem about compulsory membership, closed shops, and preference clauses is that the 41 per cent of the population who are members of unions populate the major manufacturing sector of the Australian economy, the very sector that is uncompetitive and inefficient. If we are not to rely simply on the farm and the mining industries, that is the very sector we need to reinvigorate and make more efficient, productive and competitive. This trade union—ALP Government view of life, strikes directly counter to that.

The Liberal-National Party also believes in the right of people to join a union of their choice. We reject the disenfranchisement of trade unionists embodied in the Bill: not only will we join a union but we will join the union that we are told to join—a big one. We reject that totally. In underpinning people's right to join the union of their choice, we say to them, 'Join the union of your choice'. That is why there is a gulf between the Government and the Opposition on both this legislation and industrial relations generally.

Finally, we believe in the right of unions to represent their members but to do so democratically and in a way in which they are accountable to their members at all times, and in a way whereby a trade union elite cannot and will not be allowed to dictate to the grassroots rank and file membership. That is why in our policy—to pick out another clause—we say a Liberal-National Party government will strengthen the provisions of the Industrial Relations Act relating to secret ballots, to make ballots compulsory before, for example, industrial action. We are going to give legitimate effect to our belief in the accountability of trade unions to their members.

We have in prospect a greatly improved industrial relations future, climate and culture in this country where there will be more unions. We have no problem with there being more unions; reducing the number of unions will not solve Australia's problems. Under the next Liberal-National Party government there will be more unions which will be enterprise based. They will democratically represent all the employees within a particular enterprise across crafts and classifications. We look forward to an environment where multiskilling will be the norm and not the novel exception, and where demarcation disputes will, thankfully, be a thing of the past.

This is not fanciful rhetoric on our part because it is happening now. The reason why only 41 per cent of the population belong to a trade union is that the majority of former members escaped to the small and medium business sector where

this sort of relationship between employers and employees is happening already. It is happening in hundreds of small businesses around the country—small businesses in which the ageing dinosaur of the ACTU does not have a disruptive presence, let alone an influence.

I heard a call from the honourable member for Brisbane for bipartisanship, but we will only make progress in this country if we understand that the very best industrial relations are not made in the boardrooms or meeting rooms of the Confederation of Australian Industry or in the boardrooms or meeting rooms of the ACTU or under the umbrella of the industrial relations club. The best industrial relations outcomes are achieved and will be achieved by freeing up the system where there are direct negotiations at an enterprise level between employers and employees. In some cases that will be between an individual employee and his or her employer. But in the vast majority of cases—and I address again directly one of the arguments raised by the previous speaker—it will be between enterprise unions representing many individuals at that particular enterprise, negotiating directly with their employer.

We need to achieve a great sea change, a great cultural change in this country because we will survive in an unforgiving, chillingly competitive world only if we realise that management and employees are all in the same boat; we all have to have our hands on the same oars; we all have to be pulling at the same time and rowing in the same direction. That is the only way that we will become more efficient, more productive, and more competitive.

The SPC Ltd dispute has featured large in this debate because it is the most current. But it follows in a long line—Mudginberri, Dollar Sweets, SPC—and they are only the ones we hear about because they make the major dailies and the major press. Let us look at it at arms length. SPC is a company well known to all of us who eat tinned fruit. It has got into trouble through bad management decisions—no one denies that—and because of the declining market for its products. What

happens? The new management—the old lot were sacked; they have paid the price and members opposite must not say they have not—sat down with the work force and said, 'We are in a lot of trouble. We have got to do this and that to save our company, to save your jobs, to turn our operation around and get back into profitability'. They all agree. The major spokesman is the union representative. I heard him on the *World Today* program saying that the workers agree; it is what they want to do. He speaks for the entire SPC work force. In comes Halfpenny—thug that he is—and says, 'You cannot have a mind of your own. You cannot try to protect your own job. You are threatening trade union power and dominance'. Thug! That is why there is a gulf between the Opposition and the Government. It is one of the principal reasons why the Government will be kicked out—the public will not have a bar of it.

Let me finish by saying something about wages. The Treasurer (Mr Keating) views himself as the Placido Domingo of Australian politics. He is the Milli Vanilli of Australian politics because he pretends he has achieved something which he has never created; he pretends he is creating growth when we are going backwards at 100 miles an hour. He criticises us long and loudly about our wages policy, saying that we have opposed every wages increase since the year dot. What we are opposed to is the way in which wages are currently determined. In this country we currently pay ourselves in accordance with what we cost. What we should be doing is paying ourselves in accordance with what we earn. While we continue to pay ourselves in accordance with what we cost, we will go backwards; we will continue to go backwards in the chillingly competitive environment that is the world market place. It does not owe us a thing. If others can beat us to markets, they will.

Labour costs are such an important part of our export competitiveness, but if we could pay ourselves in accordance with our productivity, on an enterprise by enterprise basis or even an industry by industry basis, we would all be in favour of higher wages because the higher the pro-

ductivity the higher the wages. If we paid ourselves in accordance with what we earn and produce, we would all be in favour of higher wages because wages against that backdrop would be nothing more nor less than the work force's rightful share of its increased output. Members opposite must not give us that rubbish about our being opposed to wage increases. We are opposed to wage increases of the wrong sort. We are definitely in favour of wage increases of the right sort.

The ultimate canvas against which we try to paint this picture is the appalling international debt that is now owed by Australia—\$150 billion. We are now rearing the first generation since 1901 which will inherit a lower standard of living than its parents. My parents worked hard, for sure. But they knew deep down that if they did the right thing as a 1950s-1960s couple, their children, my brother and I, would do better than they did. My wife and I are trying to repeat the same experience, as are all Australian families. But we know that our children will not repeat that experience; they will be worse off.

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

Mr FERGUSON (Reid) (1.16)—The absence of the honourable member for Bennelong (Mr Howard) from this debate has unfortunately, from the Government's point of view, denied us the reality of seeing the two contradictory conspiracy theories that permeate the Liberal-National Party's industrial relations policy. The honourable member for Bennelong, being a bit more worldly, a bit more knowledgeable and realistic about industrial relations, comes forward with the theory that the relationship between the Government and the unions is one about subordination of wage demand; that the union movement has sat down and been pushed around by the Government in its interest. We have not had that particular line in this debate. We have had the other line which says that because an Australian Council of Trade Unions (ACTU) document in 1987 advocated a smaller number of unions from its self interest, ipso facto it follows that the only reason the Gov-

ernment is doing this today is because the ACTU wants it.

Firstly, I would advise those opposite to look at a few more ACTU documents, look at a few more demands, to see how effective the ACTU has been in getting a lot of those other areas acted upon by the Government. I would hazard a guess that there has not been all that close a relationship between ACTU demands and Government reaction.

A number of speakers in this debate have cited a number of other sources besides the ACTU on this issue. I am not talking about the Socialist Workers Party, the Communist Party of Australia or the trade union research officers. I wish to cite briefly some of those sources. There was the report by the Committee to Advise on Policies for Manufacturing Industry in 1975, called the Jackson report. It was staffed by individuals who are held in some respect in this country. I quote from volume 1, page 111 of that report which stated:

Because unions are numerous, their membership fragmented, and their structure does not parallel industry structure, they may tend to be unaware of, or insensitive to, the impact of their actions on industries and firms.

The report later stated:

... the occupational structure of some unions, taken with fragmentation of membership, is a fertile field for demarcation and jurisdictional disputes.

That is one body which is not beholden to the ACTU. It had some interest in the future of this country and the future of its industry. It came down with a view which is very similar to what the Government is trying to do here today. I move to another inquiry that has been mentioned, the report of the Hancock Committee of Review of the Australian Industrial Relations Law and Systems in 1975, which some members opposite would have heard of. It advocated, amongst other things, a simple majority in balance for amalgamation. If it could not achieve that, it put forward the proposition that the percentages required should be of those voting rather than those on the union membership rolls. Once

again, that is something this Government is trying to achieve here today.

That inquiry, of course, has engendered a deal of respect from practitioners on both sides. It made a number of demands which the union movement would not be too happy with. As I say, this manoeuvre by the Government today supposedly is dictated only by ideological requirements. Unfortunately for the Opposition, the inquiry seemed to come to a similar point of view about the need for trade union amalgamation in this country. At page 460 of volume 2 it stated:

We do consider that there are too many associations . . . The scope of their membership coverage is often confusing and the reason for their coverage of particular industries or occupations lost in history.

It went on to say that the number of trade unions in this country was a relevant factor in problems arising in the areas of demarcation, diffusion and extension of trade union resources and the solving of industrial disputes because of the multiplicity of unions on particular sites.

With regard to the earlier reports, I would like to talk about the report of the Myers Committee of Inquiry into Technological Change in Australia. Once again, I would have thought that that inquiry was undertaken by people with some credibility; people with no particular loyalties or need of partisanship. Quite incredibly, they seem to come down again on the side of this same need to do something about trade union amalgamations in this country. The report, at page 173 of volume 1, stated:

It would be highly desirable to achieve a reduction in the number of unions in Australia through a process of amalgamation. Ideally this would result in union organisation arrangements that would be industry based.

. . . provisions place significant barriers—that is, current provisions of the Act—in the way of amalgamations.

It went on to advocate that the requirement for registration, henceforth, at that stage—about a decade ago—should be 2,000 members and that those organisations with 1,500 members should have to show cause why they should continue to be registered. It went on to make a com-

parison. That comparison did not relate to the way-out fringe dweller philosophy of the honourable member for Higgins (Mr Costello) that what we are doing here today has some relationship with gulags and that it is the way down to collectivism.

The Myers report expressed that a closer equivalent, a better comparison, was with the West German situation. The report considered that we could learn something from West Germany's trade union movement. Whereas in Australia it said that it was not unusual to have 20 unions in every plant, in the West German situation, which it thought was relevant in coming to its decision about the need to amalgamate in this country, there was rarely more than one union in a plant and there were only 18 in the whole country.

What we have there is a series of inquiries that were not dedicated to pushing political, ideological planks, but which were concerned with particular needs in this country—our industrial relations systems, our manufacturing industry and technology. They all seemed to come to the conclusion that something urgent had to be done about the question of union numbers in this country and the question of amalgamations. They were not too interested in these quack theories about the ACTU dictating to the Government on the need to amalgamate because it was losing membership. They thought there was a fundamental need for the industry in this country to do something about it.

I will quote from a more recent report. Once again, it is by a group about which I do not think the Opposition would be too critical. Quite frankly, I think that most of its prescriptions are things about which I would be more critical. But I do think this group has some credibility with the Opposition, and I refer to the Organisation for Economic Cooperation and Development (OECD) Economic Surveys 1989-90 for Australia. It cited a Business Council of Australia survey which lamented the fact that the average firm in a sample taken was covered by four different awards, and that it had to negotiate with five different unions. It cited the fact that 40 per cent had both State and Fed-

eral awards in the same plant, and it also was somewhat concerned that 80 per cent had more than one union. But that OECD survey went on to make a few recommendations. It went on to give a bit of praise as to what should be done in this country. As I say, I am referring to the OECD—not to the Communist Party of Australia, the Australian Labor Party or any other groups on that particular side of the spectrum. The OECD, at page 63 of that 1989-90 document, said:

Change and innovation appears to be impeded by the complexity of unions and award structures themselves.

At page 86, in a more concrete fashion, it made this comment:

Union structures will have to be reformed. The ACTU's program to move towards a set of broad industry unions along with other recent ACTU initiatives designed to rationalise union coverage seems therefore highly desirable if it permits a significant reduction in the number of unions in a single enterprise. Industry unions with affiliates at the firm level are likely to be in a better position to represent workers' interests.

So there we have a series of suggestions by a variety of committees and overseas experts from 1975 onwards that there is some validity in the Australian Government's moves to do something about the number of unions in this country.

I have said within my own Party that I have some lingering doubts about some aspects of this legislation. One of them, of course, has been corrected by the Australian Democrats' amendment, whereby the ability of union officials to keep their positions after a series of amalgamations has been reduced. I also have some concerns about the possibility of meetings deciding on certain amalgamations, but I note that there is a requirement that a deputy president has to permit that. Also, of more worry is the use of union facilities in favour of the Yes case in ballots, because there is often a very fine line between the official's self-interest in the political struggle within the union and the fact that he might see, through amalgamation, security for his future, both because of the extended time for which he will not face re-elections and because of perhaps the political nature of the union with which he is amalgamating.

But in regard to this crowd opposite, we witnessed last night the hypocrisy of the grandiloquent platitudes from the honourable member for Higgins about civil liberties and freedom. We also heard the Opposition's views today in regard to the freedom of people in nursing homes—the legislation of the Minister for Aged, Family and Health Services (Mr Staples), who is at the table. One has to question whether this whole concern with freedom is perhaps one-dimensional in so far as it relates to industrial relations and the need to suppress the trade union movement in a period of decline. We did not see too many of them, having regard to all of those magnificent speeches today and last night about freedom, liberty and individual rights, cross the floor or profess to hold different views about that legislation.

The honourable member for Higgins was the lead speaker on this matter. Another aspect of the paranoid conspiracy theory concerned his comments about the Democrats. He made the comment that they roll over very quickly to Government demands, and that is the only reason that they could come to support this legislation. They could not be like all of these people who conducted government inquiries—without an ideological bent. They could not actually see it as being a practical need in this country. It had to be some conspiracy, some deal.

I would like to remind honourable members opposite that we considered legislation a few hours ago in regard to a data matching program. What happened in the upper House of this Parliament? The Democrats voted with the Liberals to amend that substantially. In the Senate today, Senator Spindler, on behalf of the Democrats, put forward amendments in regard to the Commonwealth Housing Loans Insurance Corporation. Once again, they did not seem to be too much interested in the Government's dictates on these Bills. They seemed to be looking at what was required in the legislation from their point of view.

If we look at what has occurred in the last few weeks in the Senate, we would find that the Australian Democrats have managed to either vote by themselves

against the Government or in unity with the Opposition on a variety of measures including—and I will not specify the whole lot because there are so many—the Commonwealth Bank restructuring, export marketing development grants, taxation laws amendments, the livestock legislation, migration regulations, et cetera, ad nauseam. So for the Opposition to come in here today and say that the Democrats are simply supporting this legislation because they have some kind of deal with the Government or they are easily able to be persuaded in these matters really does not stack up against the reality. The Democrats have supported this for the same reason that this Government is putting it forward and for the same reason that a variety of fairly established and respected committees have come to the same conclusion.

Amongst the more dubious claims of the honourable member for Higgins, of course, was that demarcations will not be reduced now. I am shocked that he could come before the House and put that view forward. Anyone with half a brain, anyone who has any experience of industrial relations in this country, knows that a crucial factor of demarcations is the number of unions in each plant. It was said that we are just creating bigger unions, when obviously the whole thrust of this legislation in the long term, rather than giving the ACTU control of the union movement, is to establish a variety of industrial unions. We want to move towards a situation where we do not have half a dozen unions battling over one bloke because of the nature of a job change last week.

The honourable member cited figures to the effect that the latest trade union statistics show a preponderance of union membership in the Commonwealth and State public sectors. It was put forward that this is somehow another part of the giant conspiracy between Labor and the union movement.

I notice that the previous speaker, the honourable member for Tangney (Mr Shack), thought that the problem was not really in the public sector but in the manufacturing industry. I think that the level

of unionisation in the Public Service has a lot more to do with results reflected in some statistics put out by the Business Council of Australia. It came forward in October 1989 with a survey of unionisation levels as per size of enterprise, which showed that in those enterprises with one to 10 people only 3.1 per cent had unionisation levels of over three-quarters of their employees, whereas for enterprises with 500 to 1,000 employees there was a pattern showing that more than half of the work force in those plants were union members.

I think that the level of unionisation has a lot more to do with the nature of the enterprise, the fact that there is commonality of employer and that there are in many cases fairly large concentrations of employees. It has been shown in a variety of industrial relations papers overseas that that concentration of employees has something to do with unionisation levels rather than any conspiracy between this Government and the Australian Council of Trade Unions.

Brief mention was made of International Labour Organisation (ILO) conventions. All of a sudden, despite various employees running around like decapitated chooks about union demands and about the right to strike being respected because of ILO conventions, I have not heard the honourable member being too vocal on that issue. I think he might go along with employers in saying that we do not want those conventions to be recognised in Australia, but he selectively feels that the New Zealand trade union movement, apparently being taken to the ILO under convention No. 87 because it tried to prescribe 1,000 members per union, is a very good precedent for Australia.

If we look at the facts of life, we see that the New Zealand union movement is one-fifth the size of the Australian trade union movement. If we look at the nature of its industry, it would be fair to say that the concentration of employees in plants in New Zealand is far less than here. In fairly spread out industries of very small numbers in New Zealand, it might be quite unfair to require a minimum of

1,000 members. Also, as we know, New Zealand has a tradition of independent labour councils in major towns. For many years they have not moved towards nationalisation. So there are a few differences there.

Turning briefly to a few specific measures in the Bill, I am particularly pleased with changes in regard to preference clauses. The honourable member for Higgins talked about the fact that people get sacked because they will not go along with unions, et cetera. I have actually had the real life experience of being involved in unionisation drives. I cite the example of Impact Plastics, which coincidentally is now in my electorate. The 25 or 30 people from that company who joined the union coincidentally were the same people whose jobs the employer attempted to terminate, supposedly because of a downturn in industry. He just happened to pick the people who first joined the union.

It was only through the use of preference clauses—in that case under State awards because the Federal preference clauses had traditionally not been as strong as those of the State—that we were able to secure the right of those people to actually join a trade union and to get the conciliation commissioners in New South Wales to put people back in their jobs.

The preference clause in this Act will specify the areas of preference, whether they involve engagements, transfers, vocational training, et cetera, but it will also, as in the specific example I gave the House, protect people who have applied for membership of trade unions and who have not been accepted by those organisations. It will protect them and their right not to be dismissed, particularly in the case of unionisation drives.

Other measures in the Bill relate to federations of unions in the lead-up to amalgamations. I note in New South Wales the very effective moves for such a federation of unions covering commercial travellers, storemen and packers, pastry cooks, millers and a number of others in the food industry. That obviously represents a viable way of operating in the interim

period before amalgamation can be accomplished.

Finally, this legislation has the intent of endeavouring to encourage amalgamations and to end protracted processes, such as negotiations, ballots, et cetera, which result in amalgamations taking up to two years to complete, no matter how much they are favoured amongst people.

In an all round sense, this legislation represents a requirement for Australian industry to put the union movement more on the basis of industrial strands. It is a move in a direction that has been favoured by a variety of government investigations under different political parties.

I am not going to dwell at length on SPC Ltd. It has been covered over and over again by everyone. I only want to refer to one point on democracy. I for one was very concerned that the full time employees in this plant felt that it was very democratic for them to have the right to give away the conditions of the seasonal workers, who had no vote whatsoever in that decision. What is democratic about that? People were given no say whatsoever in the vote and their conditions were just thrown out the door. I question the timing of the decision. It might be possible that the timing of this matter had a lot more to do with the onset of the period of work for seasonal workers than with the incompetent mismanagement of the previous directors.

Mr FILING (Moore) (1.36)—I commence my remarks on the Industrial Relations Legislation Amendment Bill by mentioning a few words that were expressed by a visitor to Australia in the 1950s, a very astute observer of the Australian social system of the time, John Pringle. In *Australian Accent* he said:

The easy-going nature of the Australian . . . has not protected him from the encroachment of modern bureaucracy to impose on him more easily. And the leaders appointed by the proletariat to administer the law have proved, in the trade unions, some of the most arbitrary and tyrannical rulers in the democratic world.

I mention those words because at this time in the world's history, when the direction of the world is towards smaller units and towards fragmentation—not

amalgamation, not centralisation of powers—we have before us a Bill that would effectively centralise and amalgamate one of the important institutions in Australian society.

The Bill that we are debating today has substantial ramifications for the ailing economy of Australia. I challenge the Government to reassess the need for its implementation. The Government claims that fewer trade unions will promote stronger and more efficient unions and will strengthen the industrial relations process.

The amended Bill aims to increase the qualifying membership threshold for unions from 1,000 members to 10,000 members. The Bill also recognises federations of unions before amalgamation, exempts union members from secret postal ballots and will be responsible for employment preferences extended to members of a trade union at the discretion of the Australian Industrial Relations Commission. The rationale for this Bill is in contrast to the Government's claim to be committed to structural economic reform and illustrates the Government's shallow support for micro-economic reform and deregulation of industries in Australia to effect competitive solutions to our economic crisis.

Increased competition is allegedly being implemented in the telecommunications industry by the Labor Government and yet here the Government has introduced a Bill which will decrease competition. This legislation seeks to tighten the anti-competitive monopolistic stranglehold of unions in the name of greater efficiency. It is a well-known fact that the size of an organisation itself is not a determinant of efficiency. The current trend in many public and private sector organisations to smaller business units is a clear reversal of the previous trend to larger centralised structures.

The point I am making is that the circumstances that facilitate economies of scale will not apply themselves in the case of the trade union movement. Economies of scale occur in activities where, as output of a uniform standard increases, a

decline in average costs results. In this situation big may be better. However, this clearly does not apply in the case of trade unions. Trade union activity involves very specific and often unique problems of members. The issues are often spontaneous and of a reactive nature and therefore are far from being constant and repetitive, as is the case with those other notions of economies of scale.

The alternative approach to economies of scale is the approach to minimise costs by control of cost creators. It is this approach that applies itself better to trade union activity. For this to work, smaller, not bigger, organisations must be encouraged. Big institutions are unresponsive to individual needs and requirements and concentrate power in the hands of a few. Amalgamation of unions into mega-unions will not lessen demarcation disputes.

At present there are approximately 300 registered trade unions. The Industrial Relations Legislation Amendment Bill seeks to reduce this to 20 mega-unions, a decrease of over 90 per cent. Employee participation and decentralisation of organisational power at all levels are the best way of achieving and maintaining productive results in the labour market. This country desperately needs cooperation and communication between employers and employees to encourage productivity and competitiveness. We must move away from centralised wage fixing and concentrate more on negotiations in the workplace. This, together with equitable enterprise bargaining structures to determine wages conditions will satisfy the unique situations that occur in the Australian labour marketplace. Industries exposed to strong competition cannot survive with the basic structural rigidities that make for inefficiency. At present, groups of employers negotiate with unions and have award provisions provided across the board, ensuring a general wage increase being transmitted across all companies.

However, Australia does need unions. I personally have been a member of several unions, including the Food Preservers Union of Victoria, which is involved in the SPC Ltd dispute. We require enter-

prise-based unions, however, which address the working conditions and particular needs of their members and do not waste resources on factional battles and power-brokering. Unions must participate in the search for productivity gains that benefit the employee, the employer and ultimately the country itself.

A more effective industrial relations framework, based on voluntary enterprise-based agreements, which reflects incentive and resourcefulness is required if we are ever to have a hope of solving our economic problems. The introduction of this Bill undermines this objective. Ordinary workers would be deprived of the right of self-determination and the right to work harder for themselves and for the betterment of their families.

A classic example of self-perpetuating myopia has been mentioned several times in this debate: the SPC dispute. People at the Shepparton-based canning company sought to negotiate pay cuts rather than shut down the cannery and prevent the possible destruction of the local fruit growing industry. Some 93 per cent of the employees agreed with the proposal to forgo benefits in return for a profit share when the company was back on its feet. Cooperation was then sought from the ACTU and Victorian Trades Hall Council so that the SPC jobs and factory may be saved. SPC sales last year exceeded \$155m. The company injects about \$40m into the local economy every year and, according to company sources, this has a multiplication factor of seven. SPC employs 300 permanent staff and another 1,000 seasonal workers during January and April.

The only way that the company can stay afloat is to save \$2.5m through employee wage cut-backs, an arrangement that was supported by the employees of this company. Representing the voice of Trades Hall, Mr John Halfpenny declared that the deal was not on. Wage restraint supposedly makes companies profitable enough to create new jobs. The logic of the SPC agreement was that restraint would save jobs now and bring a share of future profit. The management and workers of SPC would agree that the last thing

they need is a union hierarchy protecting power over jobs.

Much of the plight of SPC is shared by other export businesses and is a result of the value of the dollar, interest rates, cheap imports at home and protected markets abroad. Some 16,030 businesses and companies were declared bankrupt in the year ending June 1990. The latest figures for small business and personal bankruptcies for the September quarter show a 32.7 increase across Australia, with particular States with basket-case economies, such as Victoria and Western Australia, showing 70.6 per cent and 55.1 per cent respectively and showing the greatest increases.

With unemployment on the rise from 8.2 per cent, producing the highest number of unemployed Australians since October 1983, I demand to know why we need this new extension of centralised union power, when in fact we need unions that are more responsive to individual interests of industries. They are necessary to protect the interests of the workers through enterprise-based awards. No effective results can be achieved in protecting workers' jobs through the bullying of central union executives.

How has Mr Halfpenny's concept of unionism acted in the interests of the workers and the families of Shepparton? How could a union with 10,000 members facilitate the needs of the many specific industries and small businesses throughout Australia? What tends to be ignored by Mr Halfpenny and the ACTU is that, if wage increases are not supported by the market, they will lead to unemployment. The Government does not have the capacity to increase the price of our products on world markets, yet it freely increases the cost of a major input for firms regardless of their capacity to pay. History has proven that price controls can operate effectively only in the very short term and are unsuccessful in the long term. We know that for successful results the economy would have to be static, and clearly that is not a realistic prospect given the increasing dynamic processes of modern economies.

Rapid change is inherent in today's economies and, in order to survive, the Australian economy must be flexible enough to cope with the changes if our standard of living is to be maintained. With the ACTU and the Federal Government supporting the central wage-fixing system, the scope for wage signals to initiate labour to move to productive areas of the economy is limited. As a result, productivity growth in the Australian economy has occurred at a much slower rate in the 1980s than in previous decades. Yet the very institution that was put in place to protect the needs of the workers is now a threat to workers' constitutional rights. Clause 11 of the Bill has serious implications for workers who choose to cease to be union members. The provisions of this Bill would imply that someone can determine whether a worker loses the right to keep a job. This decision is one that should be based solely on ability and should not depend on membership of a union.

The Bill proposes that between March 1992 and February 1993 organisations with a membership of less than 1,000 will be compelled to justify their continued existence. From March 1994 to February 1995 organisations of employees with fewer than 10,000 members will be forced to justify their continued existence. These actions are supposedly in the public interest.

This Bill will, in effect, take away the right of a worker to choose which organisation he or she will belong to and decide on how, when and where he or she should work. This is a violation of civil liberty, and as a result of this Bill Australians will lose the right to democracy in the workplace because they will not be allowed to take part in smaller unions, unions that are more likely to represent specific interests of the community and are necessary to ensure that proper representation is provided for workers in the workplace of small companies and industries. This obviously discourages the formulation of small enterprise-based unions, unions which can most effectively negotiate with their employer for better pay and conditions in return for greater productivity.

The Bill will force workers to join unions because of legislation and not because of the merits of union membership or because of the service or benefits that they may be entitled to by belonging to a trade union. It seems this compulsion is necessitated by the fact that the negative aspects of trade unionism these days are deterring people from joining unions. This Bill will enhance the negative aspects of unionism, which include concentration and centralisation of power to the few, the violation of the rights of individuals and the reinforcement of undemocratic procedures. The Government has called for an alteration to the secret ballot. A Liberal-National Party Government initiated the secret postal ballot and as such it is a true democratic institution within the industrial work force.

The Government has been unable to instigate union amalgamation under this system and, by seeking alterations to this procedure, is again undermining the democratisation of the union movement. In 1989 Senator Button agreed that the more flexibility that could be introduced into the wages system and the more industry and enterprise level negotiation on wages that could be held, the better the system would be. Surely union amalgamation is not consistent with this objective. How can the Government move towards bigger unions with a membership of 10,000 and still cater for decentralised bargaining on enterprise agreements. The strengthening of bureaucratic forces in Australian industrial relations will retard the development of enterprise-based and productive arrangements. Amalgamation should not be confused with efficiency or better industrial relations, but is simply an avenue to greater concentration of power within the unions.

The statistics show that between 1976 and 1988 trade union membership of Australian employees fell from 51 per cent to 42 per cent. Unionisation fell from 39 per cent to 32 per cent in the private sector between 1982 and 1988, and from 73 per cent to 68 per cent in the public sector. Only 32 per cent of all private sector employees currently belong to a union, and the remaining 68 per cent are

able to negotiate with their employers without the need for outside interference. In the nearly half million new private sector jobs created between 1986 and 1988, unions recruited only 7 per cent of the new employees. Nearly 90 per cent of new jobs are being created in private sector employment areas, the rate of unionisation in these areas being less than 26 per cent.

The proposed amalgamation of unions is a desperate measure to restore union based power. The force to implement this ratification is not coming from the workers of Australia but from the union officials who are supposedly acting on their behalf. We have a situation where the movement created on behalf of the workers is now only interested in self-preservation and self-perpetuation and has lost sight of its original objectives. Why should there be a need for amalgamation legislation if the workers' interests are being truly represented now? There is nothing to stop union amalgamation occurring at present. A mega-union is more likely to experience irresponsible conduct and mismanagement, and it is easier for this to go unnoticed in such a large organisation. The average member has far less contact with office bearers and less efficient representation by the union on his or her behalf in the workplace. The factor of size and accountability would cause a mega-union to neglect its real duties to its members in preference to spending time and money for fighting internal factional and political frictions.

Senator Harradine in the Senate said that this Bill will force some 632,000 workers, or 18.6 per cent of the total membership, out of their unions and into another union—a larger union which will almost certainly understand the needs of those new members less than the smaller enterprise based unions did. This action disregards the rights of workers and is a direct contravention of convention No. 87 of the International Labour Organisation. The Bill abuses workers' rights to freedom of association under this convention. To force union members out of their unions into other unions is a denial of workers' rights.

Employers and employees should be free to make their own agreements on employment conditions and wages. The net result of amalgamation will increase the potential for unions organised largely on political lines and the potential for large scale disputes based on political rather than industrial objectives. The proposition that unions in order to survive have to be big is a myth. Unions in Britain, for example, are losing members as a result of a combination of public policy, the economic climate and the outdated philosophies of union leaders. Their demise cannot be correlated to their size and number.

Amalgamations would extend across the broad spectrum of Australian industry and would facilitate greater industry turmoil than exists at present. With 20 mega-unions covering all forms of industry in Australia, the ACTU would have greater power than any other labour movement in the world and would have power to cripple governments of either political complexion.

In Japan, where enterprise based unions are many, there is no sign of union decline. The biggest unions in the world are in the Soviet Union. However, they cannot be used as an example for amalgamation because the coercive nature of their membership and the failure of Soviet central planning economic policy. Sweden, long held by the unions as an example for Australia to follow, has 25 industry-type unions. However, Sweden's industrial production is down to minus 3.3 per cent and its inflation rate of 10.2 per cent tops that of the 13 developed countries.

Australia can learn from these countries without having to experience failure for itself. It is evident that unions, to survive and act in the interests of society, do not have to be big and in fact operate more effectively and efficiently in a decentralised environment.

This Bill supports the emergence of more rigidities in the economy and, therefore, reduces the flexibility that would result from smaller enterprise based unions in the work force. Fundamental reform of the industrial relations and wage fixation system would not be facilitated under this

regime. It is on this basis, and in view of the serious economic situation of this country, that I strongly support the Bill's rejection, and I appeal to the Government to do likewise.

Mr McARTHUR (Corangamite) (1.55)—The watershed for Australian trade unionism could well be 1990 as a result of the Industrial Relations Amendment Bill being enacted in this Parliament in December of this year. In 1991, 100 years of the existence of the Australian Labor Party will be celebrated. The Minister for Transport and Communications (Mr Beazley) will issue a stamp on this occasion to mark that particular event. A Minister drew that to the attention of the House yesterday. I suggest that in a few years time we may be issuing the Bill Kelty memorial stamp to mark the demise of the Australian trade union movement. This last gasp for union power is taking place today in this Parliament, as the Australian Council of Trade Unions (ACTU) proposes to amalgamate the unions in bigger groups to save the trade union movement. In effect, this Bill will ensure that no new unions will be formed because of the restraint to create smaller groups.

As honourable members on this side of the House have said and honourable members on that side of the House have agreed, trade union membership is in decline. The figures, which are quite staggering, show that in 1983 when the Hawke Government was elected—and the Prime Minister (Mr Hawke) is an ex-President of the ACTU—49 per cent of the work force were in trade unions. By 1990, 40 per cent were unionised—a remarkable decline of nearly 9.5 per cent.

The fundamental problems of maintaining membership are apparent, and honourable members opposite have made that clear and understand the problem. We now have the proposition why any individual would join a trade union of 20,000 members or more. We have also heard that in the public sector 62 per cent of the work force is unionised. We have the situation where job promotion depends upon members in the public sector having a union ticket. If one is a teacher

in Victoria one cannot even get promotion unless one has a union ticket. It is made very clear that unless one has a ticket one's promotional chances are lessened. Of course, there is considerable influence by this Government and other Labor governments around Australia to make sure that public sector utilities have full union membership. Of course, they have a compliant work force which will do their bidding in maintaining this comparatively high union membership.

In the private sector, as honourable members on this side of the House have said, about 31 per cent of the work force are now in unions. Small companies are not interested in having union members on their sites and people in small shops are not keen on joining unions because they are getting a good deal from the management. If we look at the figures in the finance and retail sectors, we see that there are hardly any union activities in these arenas. So as management improves, as we see it improving around Australia, the need for unions becomes less and less.

I was in Geelong last week looking at some of the smaller manufacturing operations which are suffering under the so-called recession that we needed to have. The Ford Motor Company is in some difficulty because of its sales and restructuring program. I visited three smaller companies that supply the Ford Motor Company with component parts. The interesting thing to emerge from that visit was the concern by these companies to provide quality products that meet world standards. More importantly, the work force operating in these smaller companies was monitoring its own quality standards—a far cry from only five to 10 years ago. There was an awareness by both the management and the work force of the importance of export markets and the companies' need to maintain an export perspective so that the companies can remain profitable.

The other interesting thing amongst these smaller operations was the concern of management and shop stewards for workers' conditions. There are problems of work stations, repetition strain injury

and changing workers around the various tasks, and an awareness by both the unions and the management that everyone will be better off if there is quality performance and the workers are happy in the job.

In the Geelong era there was great concern; workers wished to keep their jobs. In this recession which has been brought about by the policies of the present Government, workers are very concerned—as they now are at SPC Ltd and other places around Australia—to keep their jobs and improve their performance, because they know that it is pretty tough out there. They know that they have to change their work performance, produce a quality article and change their work practices to meet the challenges of the next decade.

Management has certainly made a big change in its approach to a number of the problems in the work force. As one senior manager said to me, if management was good, unions would not be needed on the shop floor because most of the problems could be sorted out by mutual discussion.

We now have the classic example of the present Government's attitude towards centralising power in Canberra or at some central point. This legislation clearly centralises trade union power, reducing 300 unions to 20 unions. There is coercive pressure by legislation and by the Government on the union movement—its friends—to push it into so-called 20 mega-unions from the 300-odd smaller groupings. That means that the Government and some of these mega-unions can put considerable pressure on big companies and public sector utilities, as we have found in the various strikes around the States. It would only take a phone call from Mr Kelty to the Prime Minister of the day indicating the trade unions' position. It is much easier to organise industrial disruption if one has only 20 mega-unions to confront government or the bigger companies.

We see a similar situation in the tertiary education sector. My colleague the honourable member for Goldstein (Dr Kemp), the shadow Minister for education, is seeing this very same process hap-

pening. There were 65 institutions doing a good job, providing good educational services to their students, but the Minister for Employment, Education and Training (Mr Dawkins) said that we must have about 35 institutions. He wants to consolidate, centralise and make them bigger, with no rational debate as to why there would be any greater efficiencies in terms of the delivery of educational services by having these 35 big institutions on the Australian education scene. This has been brought about, of course, by pressure on capital and recurrent funding. The Government has said, 'Unless you amalgamate, associate and get bigger, we will cut back your funds'. It now has control of the funding and the curriculum, so that in Canberra we again have these centralised, controlled arrangements which are very much the thrust of the current Bill before the House.

There was a proposition by the Victorian Government to amalgamate all local councils. After a very big fight, that proposition was turned over because local councils did not want to amalgamate; they wanted to run their own shows. If they see the advantages of making local amalgamations and do so voluntarily, we on this side are happy about that, just as we are about trade unions making their own arrangements among themselves. We are completely opposed to this coercive proposition that is before the Parliament where unions and union members are being forced to amalgamate under very stringent guidelines.

The main purpose of the Bill is to reduce the number of trade unions, as I have said, in the Australian workplace by a process of amalgamation between unions. This will be achieved by raising the membership threshold for registration of a trade union from 1,000 to 20,000. That has at least been reduced to 10,000 due to the Senate amendments. I was pleased that the honourable member for Reid (Mr Ferguson) conceded the point that 10,000 was a more manageable number than 20,000, making the amalgamation procedures less stringent, recognising and enhancing the role of peak councils or federations of unions prior to amal-

gamation, and reinforcing and extending the preferences which the Australian Industrial Relations Commission may extend to members of a trade union.

The Bill has its genesis in a paper prepared by the Secretary of the ACTU, Mr Bill Kelty, in May 1987 entitled *Future Strategies for the Trade Union Movement* and adopted by the ACTU Congress in September 1987. The rationale for the report was that the trade union movement was in decline and that steps had to be taken to reverse the process. According to the report, a reorganisation of and reduction in the number of unions from approximately 325 to about 20 was therefore necessary for the better servicing of members' interests and would be—and I quote:

... more conducive to the development and maintenance of effective industrial relations processes.

Those are interesting words. What they really mean is that we must maintain the power of trade union leaders in the ACTU before all the grassroots membership leaves the trade union movement altogether.

It should be realised that Mr Kelty's rationale for the amalgamation proposal has been challenged by several eminent trade unionists, including two recent advisers to Mr Michael Easson, Secretary of the Labour Council of New South Wales. They claimed that size was no guarantee of organisational efficiency and that union conglomerates controlled by left wing militants would not be in the interests of members or the movement generally. That is a very clear indication from inside the trade union movement on what it thinks about these mega-unions.

Nevertheless, amalgamation remains ACTU policy. It is the coalition's belief that the Bill is not designed to achieve any fundamental reform of our industrial relations system; rather, it is to enhance the power of the ACTU and its affiliates. The Bill in its original form provided for an overall minimum membership of a trade union of 20,000 members. The Government has since accepted the amendment by the Australian Democrats

to reduce it to 10,000, as I have mentioned. Unions will still be required to reach this figure by 1 March 1993 or face deregistration—again, a very clear indication, as members on this side have said, that this is a coercive piece of legislation which forces unions into a position that they might not desire.

Even if one could sign up 10,000 to 20,000 members it would still be impossible to obtain registration as a union, should there be a union to which members could conveniently belong—that wonderful phrase that is so often used by the arbitration commission and the union movement. This requirement has existed since March 1989. The effect of this statutory provision has been to keep new entrants out of the market. The requirement that new entrants have to have 10,000 to 20,000 members before applying for registration merely consolidates existing barriers. We have the classic situation of a closed shop for unions creating new groups within the work force. As I mentioned earlier, that will be the death knell of the trade union movement in future years.

Unions which decline to amalgamate or which fail to convince enough of their members of the perceived benefits of amalgamation, so that the figure of 10,000 by 1 March 1993 is not reached, will have to convince the Commission that special circumstances exist which necessitate their continuation; they have to prove that they will stay around as a trade union, even though they have been around for 20, 30, 40 or 50 years, because they just have not got enough numbers. The Commission, in such circumstances, would allow a temporary exemption that would be reviewed every three years. If the Commission is not satisfied that special circumstances exist, then it must cancel the registration of the union. Thus, any small union granted an exemption would have to justify its right to exist every three years. What a wonderful democratic right that is for trade unions around Australia—to have to go to the Commission and demonstrate why they should have the right to exist!

Given the fact that the Government and the ACTU clearly believe that unions with fewer than 20,000 or 10,000 members may not be in the public interest, it is doubtful that many, if any, will survive for very much longer. In effect, the Bill therefore actively prevents the formation of new enterprise-based unions and reaffirms and cements the notion of craft unions and industry awards. A number of speakers on this side of the House have made a very strong point about this—that the Bill runs counter to the current thinking in industrial relations, even by the Commission, that we need enterprise-based unions, not mega-unions, which this Bill puts forward so clearly. Not only does it fly in the face of the union movement's much vaunted commitment to meaningful restructuring and greater flexibility, but it blatantly reinforces the notion of relativities between awards and the centralised nature of the present system. The theory undoubtedly is to preserve the old system of comparative wage justice under the guise of reform.

The Bill provides us with a major opportunity to improve the institutional arrangements which have been for so long at the epicentre of industrial relations in this country. If Australia is to become more competitive in world markets and if its products are to become the best in the world, then we must be able to match the best work methods in the world. Most of our competitors work with one bargaining unit or union per workplace. The average number of unions in Australian workplaces is five, rising to 11 or more in large enterprises, completely killing the myth that has been put forward by speakers opposite that these large unions will reduce the number of unions in individual workplaces.

Despite persistent arguments of the Business Council of Australia, detailed in a comprehensive study 'Enterprise-Based Bargaining Units: A Better Way of Working', that the most pressing reform required is the reduction of the number of unions per work place, the amalgamation proposals contained in this Bill fail to address this problem. At best the amalgamation proposals would reduce the

number of unions represented in many Business Council member companies from 12 to about 10. The potential benefits for employers from amalgamation, that is, the ease and clarity of negotiating with fewer unions and the reduction of demarcation disputes, are hence totally illusory.

Indeed, it is quite clear that in its present form the Bill will not achieve the stated objective of reducing demarcation disputes. All it does is set the scene for the emergence of large craft-based conglomerate unions wielding excessive power and covering thousands of workers in a wide range of different industries. It does little, if anything, to increase the enterprise focus of bargaining in the work place.

It should be noted at this point that the proposed amendments in section 18 will increase the influence of the ACTU on the Commission's deliberation of the demarcation disputes arising from union claims of coverage of workers by, firstly, increasing the onus on the Commission to consult with the ACTU and, secondly, by obliging the Commission to consider not only the agreements but the undertakings as well. The practical effect of this is that the proposed change will allow the ACTU to put a point of view as to the undertaking in camera with no opportunity for other parties to challenge it.

Both the Government and the ACTU are well aware that amalgamation proposals contained in the Bill are based more on the need to secure the future of the union movement as we approach the twenty-first century than on any real attempt at constructive change to the way we do things.

Declining membership and rank and file dissatisfaction with the overtly political nature of the ACTU and its ruling elite are symptomatic of the vigour with which Mr Kelty has pursued the amalgamation agenda. Trade unionists themselves, Laurie Short and Joe Thompson in particular, have argued strenuously that far from bringing industrial harmony and stability to our industries, the creation of super unions will, with little doubt, worsen the position and lead to bigger industrial disputes. Joe Thompson has given an exam-

ple of the possible amalgamation of the Storemen and Packers Union and the Transport Workers Union about which he said:

This super union would have an interest in almost every enterprise in the nation and could bring Australia to its knees, with little more than a telephone call.

Laurie Short, former national secretary of the Federated Ironworkers Association of Australia, has pointed out that bigger unions will simply mean more power in the hands of union bureaucrats. It certainly does not imply more rational or responsible union leadership nor an increased say for workers in their day-to-day activities.

Let me say quite clearly that there is no empirical evidence to suggest that fewer, larger unions will make the trade union movement more efficient or responsible to good industrial relations. We can all imagine what would have been the case had the much celebrated Secretary of the Builders Labourers Federation, Mr Norm Gallagher, obtained control of a super union comprising 200,000 to 300,000 members across the spectrum of the building industry. Imagine what that would have meant!

It should not be forgotten that the wage break-out in 1981-82 did not burst forth from clear skies. It had its own, avoidable, origin 10 years earlier with the amalgamation of the three communist controlled metal trades unions—engineers, boilermakers, and sheet metal workers—into what we now know as the Amalgamated Metal Workers Union. It was the fatal mistake of the Government and the metal trades employers who in 1971 failed to recognise the danger signals of the proposed amalgamation which led to the massive wage-hours escalation in 1981-82, a mistake which did more to weaken the Australian manufacturing industry than any other single cause in recent times.

In view of the time, I conclude on that and say that the Opposition is totally opposed to the Bill. We put some vigorous points of view on this side. It stands fundamentally in contradiction to our well known industrial relations policy which

provides for enterprise agreements, a more flexible approach and a dramatic change to the way in which we should run Australia's future industrial relations arrangements over the next decade under the new Hewson Government. We totally reject the Bill, we totally reject the concepts and we totally reject the domination of the ACTU which is instituted in the Bill by way of legislation.

Question put:

That the Bill be now read a second time.

The House divided.

(Mr Deputy Speaker—Mr Ronald Edwards)

Ayes	72
Noes	55
Majority	17

AYES

Baldwin, P. J.
Beazley, K. C.
Beddall, D. P.
Bevis, A. R.
Bilney, G. N.
Brereton, L. J.
Brown, Robert
Campbell, G.
Catley, R.
Charlesworth, R. I.
Courtice, B. W.
Crawford, M. C.
Crean, S. F.
Crosio, J. A.
Darling, E. E.
Dawkins, J. S.
Dubois, S. C.
Duffy, M. J.
Duncan, P.
Elliott, R. P.
Fatin, W. F.
Ferguson, L. D. T.
Fitzgibbon, E. J.
Free, R. V.
Gayler, J.
Gear, G. (Teller)
Gibson, G. D.
Gorman, R. N. J.
Grace, E. L. (Teller)
Griffiths, A. G.
Hand, G. L.
Holding, A. C.
Hollis, C.
Howe, B. L.
Hulls, R. J.
Humphreys, B. C.
Jakobsen, C. A.
Jenkins, H. A.
Johns, G. T.
Jones, Barry
Kelly, R. J.
Kerin, J. C.
Kerr, D. J.
Langmore, J. V.
Lavarach, M. H.
Lee, M. J.
Lindsay, E. J.
McHugh, J.
Martin, S. P.
Melham, D.

NOES

Aldred, K. J.
Anderson, J. D.
Atkinson, R. A.
Bailey, F. E.
Beale, J. H.
Bradford, J. W.
Braithwaite, R. A.
Broadbent, R. E.
Burr, M. A.
Cadman, A. G.
Carlton, J. J.
Cobb, M. R.
Connolly, D. M.
Costello, P. H.
Cowan, D. B.
Dobie, J. D. M.
Edwards, Harry
Fife, W. C.
Filing, P. A.
Fischer, Tim
Fisher, Peter
Ford, F. A.
Galusz, C. A.
Goodluck, B. J.
Halverson, R. G. (Teller)
Hawker, D. P. M.
Hewson, J. R.
Hicks, N. J. (Teller)
Jull, D. F.
Kemp, D. A.
Lloyd, B.
McArthur, F. A.
MacKellar, M. J. R.
McLachlan, I. M.
Mack, E. C.
Miles, C. G.
Nehl, G. B.
Nugent, P. E.
Peacock, A. S.
Reid, N. B.
Reith, P. K.
Rocher, A. C.
Ronaldson, M. J. C.
Ruddock, P. M.
Shack, P. D.
Sharp, J. R.
Smith, W. L.
Somlyay, A. M.
Sullivan, K. J.
Taylor, W. L.

AYES	NOES
Morris, Allan	Truss, W. E.
Morris, Peter	Webster, A. P.
Newell, N. J.	Wilson, I. B. C.
O'Keefe, N. P.	Woods, Bob
Price, L. R. S.	Wooldridge, M. R. L.
Punch, G. F.	
Sawford, R. W.	
Scholes, G. G. D.	
Sciaccia, C.	
Scott, John	
Scott, Les	
Simmons, D. W.	
Snow, J. H.	
Snowdon, W. E.	
Staples, P. R.	
Theophanous, A. C.	
Tickner, R. E.	
Walker, F. J.	
West, S. J.	
Willis, R.	
Woods, Harry	
Wright, K. W.	

PAIRS

O'Neil, L. R. T.

Howard, J. W.

Question so resolved in the affirmative.
Bill read a second time

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Simmons) read
a third time.

SELECTION COMMITTEE

Mr DEPUTY SPEAKER (Mr Ronald Edwards)—I present the report of the Selection Committee relating to the program of business prior to 12.30 p.m. on Thursday, 14 February 1991. The report will be printed in today's *Hansard* and the items accorded priority for debate will be published in the *Notice Paper* for Tuesday, 12 February 1991.

I also draw to the attention of honourable members and the appropriate Whips that the Selection Committee has noted that on private members' Thursday members have been taking more than the agreed time and, as a consequence, other colleagues have not been able to speak on items before the House. I suggest that it would be in the interests of all members to work to those times agreed by the Whips and do the right thing because it makes it very difficult for colleagues who miss their opportunity. But we will be addressing that in the Selection Committee in 1991.

BILLS RETURNED FROM THE SENATE

The following Bills were returned from the Senate without amendment or requests:

- European Bank for Reconstruction and Development Bill 1990
International Development Association (Further Payment) Bill 1990
Sales Tax Laws Amendment (No. 3) Bill 1990
Bounty Legislation Amendment (No. 2) Bill 1990
Stevedoring Industry Legislation Amendment Bill 1990
Stevedoring Industry Levy Amendment Bill 1990
Transport and Communications Legislation Amendment Bill 1990
AUSSAT Amendment Bill 1990
Commonwealth Funds Management Limited Bill 1990
Defence Force (Home Loans Assistance) Bill 1990
Commonwealth and State Housing Agreement (Service Personnel) Bill 1990
Housing Loans Insurance Corporation (Sale of Assets and Abolition) Bill 1990
Australian Heritage Commission Amendment Bill 1990.
Australian Sports Drug Agency Bill 1990.
Message received from the Senate acquainting the House that the Senate has agreed to the following Bills as amended by the House at the request of the Senate:
Customs Tariff Amendment Bill 1990
Cattle Transaction Levy Bill 1990
Beef Production Levy Bill 1990
Cattle Export Charge Bill 1990
Live-stock Slaughter Levy Amendment Bill 1990
Livestock Export Charge Amendment Bill 1990

THERAPEUTIC GOODS ACT 1989

Message received from the Senate acquainting the House that, in accordance with section 2 of the Therapeutic Goods Act 1989, the Senate approves the Therapeutic Goods Regulations as contained in Statutory Rules 1990 No. 394 made under the Act and tabled in the Senate on 11 December 1990.

Motion (by Mr Beazley) agreed to:

That consideration of the message be made an order of the day for the next sitting.

SPECIAL ADJOURNMENT

Mr HAWKE (Wills—Prime Minister) (2.28)—I move:

That the House, at its rising, adjourn until Tuesday, 12 February 1991, at 2 p.m., unless otherwise called together by Mr Speaker or, in the event of Mr Speaker being unavailable, by the Chairman of Committees.

Of course, we trust that that will not be the case, Mr Speaker. We have had a very eventful year. An election has been won and lost and, because of this, the Parliament did not meet until May. This necessarily shortened autumn sitting was followed, I point out to those who feel that we have not been here long enough, by a quite normal Budget sitting period. Next autumn sitting pattern will also meet the norm. With all the Christmas spirit it is possible to muster in these hardened economic times, I put on the record that this Government has not at any time attempted to reduce for political ends the number of sitting days available to this House. I hope that, again with the genuine spirit of the season, the Opposition will recognise that it can do none of us any good in the long run to perpetuate the myth that the sitting program has been manipulated.

Mr Carlton—What rubbish!

Mr SPEAKER—Order! The honourable member for Mackellar might actually catch the early plane.

Mr HAWKE—People are cynical about parliamentarians—and with good cause in some instances. We do not need to add unjustly to that burden. I am glad to say that all of us will be back here next February, keen as always to serve the nation. I am probably more glad that there are no retirements or impending absences on this side of the House than I am about the lack of them on the other. But I certainly hope that my friends on both sides of the House and everywhere have both a safe and a happy Christmas.

I would also like to extend the season's greetings to all those who help make the Parliament such an effective working environment. The Clerk, the Deputy Clerk,

the Clerk Assistants and our relatively new Serjeant-at-Arms have, as usual, ensured that the business of this place has been completed smoothly and professionally and that the intricacies of parliamentary procedure do not but momentarily delay even the least polished of our parliamentary performers. The Joint House Department, the attendants, the transport office—the latter being much in demand today, I should think—all do a truly remarkable job, and we thank them for it.

Mr Speaker, in the true spirit of Christmas, at a time of the year when we should forgive those who have so cruelly wronged us, I also make mention of the stirring work of the *Hansard* staff and the telephone technicians. They labour under immense strains, I know. They do excellent work with a consistency which makes an error all the more surprising. All I can say, Mr Speaker, is why me? Why is it my phone? Why is it my words of eloquence, so carefully chosen, so effectively delivered, that are the exceptions which prove the rule? I particularly mention Mrs Jocelyn Green, senior editor with *Hansard*, who, I am informed, is retiring in February after 18 years service. I say to her and to all in *Hansard*: thank you for a year's work well done.

Honourable members—Hear, hear!

Mr HAWKE—I also want to make mention of the switchboard operators, who have such a thankless job handling the truly phenomenal number of calls which this place attracts. Marlene, the supervisor, Beryl, who has recently retired, Barbara, Dalroy, Pam, Margaret and Tracy do a great job. Merry Christmas, ladies, and thank you very much.

Honourable members—Hear, hear!

Mr HAWKE—To the Whip, George Gear, and his Deputy, Ted Grace, go my thanks for the task of keeping up the numbers. I know their life is made easier by the able support provided by Catherine Mundy. The Parliamentary Liaison Officer, Clare Nairn, and her helpers also do a tremendous job and deserve their Christmas break. We thank them very sincerely indeed. On the other side of the House, I am told that Rita Phillips, who

has serviced the coalition parties loyally since 1964, has just retired. I did not know Rita, but such service is indeed rare. It deserves mention and sincere thanks at this time, and they are so extended.

I would also like to mention at this time my hard-working and popular Leader of the House, Kim Beazley. He has so many favourable characteristics. He is a model of sartorial elegance. Kim and his able Opposition counterpart could do, I am sure, with the rest that Christmas brings. Their task—yours on this side, Kim, and yours on that side, Wal—is truly an onerous one. I appreciate, as I think all members do, the nature of the relationship between you. It is an honourable one of integrity and it helps the functioning of this place. I thank you both very much indeed.

Mr Speaker, may I wish you, too, a merry Christmas. The speakership and the positions of responsibility occupied by you, your deputies and the committee chairmen require that political judgment be put aside in favour of a responsibility to this Parliament. I believe—and I think I speak for all members of this House, Mr Speaker, in respect of you and your colleagues—that this very difficult and delicate duty is done well and deserves our recognition. I hope that you will take from me, to yourself personally and to your colleagues, our sincere thanks for a job very well done.

Indeed, Mr Speaker, all members of this place and their families endure a great burden which public office demands of them. We chose to be here and to accept those burdens but, for the families of members, in so many cases I think that lot is an even more difficult one than it is for members. I think the enormous burden that falls upon the families of members of this place is truly not sufficiently often and well recognised.

In closing, I would like most sincerely to extend to members in all parts of this place my personal wishes for a joyous Christmas with their loved ones and dear ones and the hopes for a happy new year. I also hope that each one of you will take to your families my best wishes and thanks

for their sustenance to you through what has been a difficult year.

Dr HEWSON (Wentworth—Leader of the Opposition) (2.36)—I am delighted to join the Prime Minister (Mr Hawke) in extending my best wishes for the Christmas season and for a holiday break, which many of us undoubtedly really need. The Prime Minister said it was a busy year and an unusual year, and that it was. I have lasting memories of television images of the faces of a couple of people on election eve—the honourable member for Stirling (Mr Ronald Edwards), who did not expect to be here, and the present Leader of the House (Mr Beazley), who apparently also did not expect to be here. As it was, you managed to get a handful of votes more than we did and come back in government. In saying that, I would like to record the recognition of our side of the House for the fantastic job that Andrew Peacock did as Leader of the coalition. More Australians voted for Andrew Peacock as Prime Minister than voted for you, Sir, and I think that is a very important point to go down in the history of this place. Congratulations, Andrew, on a fantastic job.

I also note with some interest, and indeed delight, the comments you, Prime Minister, made about parliamentary standards. It was an issue that I did raise as the subject of my first address in this Parliament as Leader. It is an issue we firmly believe in, and we have taken some steps, tentative though they be, towards raising the standards of Parliament. To my mind, one of the clearest messages of the last election was that there was something of a plague on both our Houses, and it is our responsibility to remove that by raising the standard of our performance.

I note that you claim that there was no political manipulation of the number of sitting days, but I also note that you had some trouble saying that with a straight face. I take it on face value that you were very genuine in what you said. If you are genuine, I look forward to your response to our request to televise the proceedings of this House. That would be the best test that we can offer the people of Australia as to the standards of our performance. I

think that would reduce the bad parliamentary behaviour and the colourful language of certain members of this House. It will also expose the lunacy of practices such as the guillotine and the damage that that does to the legislative process. I urge you, Prime Minister, in your new spirit of support for parliamentary standards to take our offer of televising the proceedings of this House when we return in 1991.

I join the Prime Minister in thanking the Speaker who, from our point of view, is a pillar of objectivity—in the spirit of objective standards. To all the parliamentary officers and the people that make this place work, of course, to the Clerk, Alan Browning, and his Deputy, Lyn Barlin, our sincere thanks for the role you have played and best wishes for the season.

To my colleagues who run this place—Wal Fife, the Manager of Opposition Business; our Whips, Bob Halverson and Noel Hicks; and the Deputy Whips, Neil Andrew and Garry Nehl—a tremendous job. To the Leader of the House, Kim Beazley, I cannot speak with the same enthusiasm as I speak of Wal Fife and the others, but I wish you the best for the season. To the Serjeant-at-Arms, those in the Bills and Papers Office, the *Hansard* reporters, the parliamentary librarians, the security officers, the drivers, the catering staff, the parliamentary liaison officer, Clare Nairn, and a whole host of others who make this place work, let me on behalf of the Opposition extend our best wishes for this Christmas season and our thanks for your tremendous efforts in running this place on our behalf.

I also extend our thanks to Rita Phillips who, as the Prime Minister mentioned, has spent 27 years as a stenographer for the Opposition, a record surpassed only by the father of the House, or close to it, Ian Sinclair. I extend the Opposition's thanks to our staff, who keep us all going and support us above and beyond the call of duty, in many cases. Of course, I give my colleagues my personal thanks.

I also thank the press gallery, the numbers of which are sadly depleted, for some reason. I might say that the members of

the press gallery also have a role to play in terms of raising parliamentary standards. We are about educating them that Parliament is not just a personality clash; it is as much, indeed more importantly, a clash of ideas. It really is not a blood sport and I hope that in the course of the next couple of years we can bring them around to our point of view.

I extend my best wishes to those servicemen who returned this morning from the Persian Gulf. The Prime Minister and I went out on the ships and welcomed them back, and there was a tremendous spirit of support when we arrived at the dock. I was very pleased to see that support. We congratulate them and tell them how proud we are of the contribution that they have made on our behalf. We also think, of course, of those servicemen who will not be here for Christmas but who will be in the Gulf on our behalf. We extend our best wishes to their families.

We hope, of course, that it does not end in war and that they will all return safely. As the Prime Minister said this morning when he addressed the servicemen on the ship, if war is avoided it will in large part be due to the fact that they are there showing a unity of support at an international level.

I finish with two other comments. First, I have a genuine concern for those in Australia who will have a black Christmas this year because of the state of our economy. It is a situation that could have been avoided. We repeat with a sense of urgency our call on the Government to move early in the new year with a major economic statement that will start to put in place those policies that will turn around our economic circumstances. Secondly, I would just like to offer a personal congratulation to the Prime Minister and to the Treasurer for all they have done in recent days to give us on this side of the House an enjoyable Christmas.

Mr TIM FISCHER (Farrer—Leader of the National Party of Australia) (2.43)—I join the Prime Minister (Mr Hawke) and the Leader of the Opposition (Dr Hewson) in extending Christmas greetings and our thanks to so many for the help pro-

vided during the course of 1990. In particular, I thank my National Party colleagues, members and senators for their role and supporting role to me in my first eight months as Leader of the National Party.

I also thank my Liberal Party coalition colleagues, including the Leader of the Opposition, the Deputy Leader of the Opposition, Peter Reith, Senator Rob Hill and Senator Peter Durack for their liaison and assistance over that same period and to honourable members and senators on both sides of the Parliament. To the extent that progress has been made in terms of parliamentary standards et al, I certainly extend in any event my thanks and greetings to them on this occasion of Christmas.

Mr Speaker, I thank you, Sir, for your liaison, cooperation and continuing interest, and the President of the Senate in matters relating to the Inter-Parliamentary Union and the Commonwealth Parliamentary Association, which should not be forgotten because the focus is always on the Executive in this place. Those bodies are important liaison organisations worldwide. They have particular importance at critical times, for example, in relation to the Middle East, the Uruguay Round of General Agreement on Tariffs and Trade and so forth, all of which are adding an additional insurance and dimension to the relations between Australia and a number of countries, and I commend that that work might continue.

I also thank Ministers with whom I have had more direct involvement from time to time and their liaison. I thank the Whips of the Parliament, especially the National Party Whip, Noel Hicks, and Deputy Whip, Garry Nehl, and the Whip in the Senate, David Brownhill, the Liberal Whips and, indeed, the Whips who help make this place function, along with the parliamentary liaison officers and others involved in that area of activity.

I also in general terms thank the staff of our electorate offices and the staff of our leader offices who do have a hard time, as the Leader of the Opposition said. Indeed, when we are tied up in

Canberra, our electorate office staff have to bear more and more of the brunt of the economic downturn. So I take this opportunity to pay tribute to the dedicated work they carry out on our behalf.

Mr Speaker, I also extend our thanks to the Clerks of the House for their unwavering and accurate advice to us and for helping to facilitate the operation of the Parliament. I also extend our thanks to the *Hansard* staff for their onerous task of recording accurately and with due diligence all that happens in this place, including whenever 'the indicative indicators indicate'—it is good that that is indicatively recorded.

Our thanks also go to the various parliamentary staff, to John May, the transport officer, the Comcar drivers, the catering staff, the committee secretariat staff and indeed all others associated with the operation of this huge Parliament.

I join with the Leader of the Opposition, in particular, in terms of his comments to the press gallery. I salute particularly the role of the Australian Associated Press (AAP) because its journalists are the ones who carry the brunt of reporting from the gallery through thick and thin. AAP always has someone there on the extreme right wing or the extreme left wing, depending on where honourable members look at it from, and I salute the work of AAP which, amongst others, provided the one Australian journalist on the original ships that went to the Middle East earlier this year.

I take an unusual note by also paying tribute to the senators. I hesitate to do that because it will cost me plenty. But I do respect—

Mr SPEAKER—Order! I thought the Leader of the Opposition said we were raising the standards.

Mr TIM FISCHER—I respect the role of the senators, the contribution they make, and I wish them well in this festive season. I join the Prime Minister and the Leader of the Opposition in their special mention of the spouses who carry a particular burden through thick and thin. They are unpaid, unsung heroes of the

political process and I salute particularly the work that they carry out.

Undeniably, in 1990 the high point of the year for me was the excellent Gallipoli pilgrimage; the organisation and carriage of it, involving the Prime Minister, the Leader of the Opposition, the Minister for Veterans' Affairs (Mr Humphreys), and many others, and more particularly, the 57 World War I veterans who went back to Gallipoli on the occasion of the seventy-fifth anniversary of Anzac. I salute all who were involved in that pilgrimage.

The low point of the year, undeniably, has to be the unfolding economic agony for so many across Australia, particularly provincial Australia. That has been discussed in detail on other occasions in the House and will continue to be discussed in more detail, I warn, on the resumption of the Parliament on 12 February, given the savage, continuing economic downturn, especially in provincial Australia.

Finally, I extend Christmas greetings to those in the Gulf and to those who have just returned and their families. I point out that the Navy has three ships there now, HMAS *Sydney*, HMAS *Brisbane* and HMAS *Success*. There is also the medical team on the USNS *Comfort*; various elements of the Air Force and the Army are also there, including those on exchange postings. On behalf of all honourable members, if all goes to plan, I hope to be with those personnel in the Gulf on Christmas Eve and Christmas Day to extend greetings to them because they are carrying out the wishes of the Government, of the Parliament. They are doing it in the best professional tradition of the Australian diggers and we certainly wish them well at this time. To all a happy Christmas. There is a difficult economic time ahead in 1991. Clearly it is a case of battening down the hatches in 1991 and I wish everyone well.

Mr BEAZLEY (Swan—Leader of the House) (2.49)—I must start by wishing Tim a happy Christmas. None of his colleagues will have an opportunity to do that in person on Christmas Day unless they boost the profit levels of the CTC Ltd. It is getting a bit hard for the Gov-

ernment to organise sufficient overseas military commitments to provide the Leader of the National Party with an annual opportunity to partake of Christmas in foreign climes but we will do our best.

Everybody who should be thanked has been thanked, so from this point on I think the thanks that are handed out are increasingly personal. In the circumstances in which we now find ourselves I cannot start by singling out anyone more deserving than Ted and George, the Whips on our side. They have managed to keep the numbers up for us in very difficult circumstances. I thank the Whips on the other side of the House for playing along in that regard. I thank, too, the Manager of Opposition Business, Wal Fife. He is an old fox, but he helps keep this Parliament ticking over in a most effective manner. I was going to say he is an easy person to deal with, but that would finish him for all time! It would also be a lie; he is not terribly easy to deal with, but he is honourable and when we are talking about issues of parliamentary standards, that certainly contributes to ensuring that there is tone in this place.

I thank, too, the Clerks who, in the circumstances in which we have achieved unusually high productivity levels in legislation, have to work overtime. So in that regard I do thank very much Alan Browning and the team. Particularly, too, I thank Clare Nairn, Parliamentary Liaison Officer, and Del and Ruth in her office. This is Clare's first year in the job. I do not think anybody could possibly walk into that position and view her state with unmitigated joy. She has acquitted herself extraordinarily well in this her first year as Parliamentary Liaison Officer who, as everybody here appreciates, is responsible for providing the basic data which keeps this place ticking over.

Some people have been called upon to play more prominent roles than they might otherwise have done in normal circumstances. Keeping the honourable member for Kingston (Mr Bilney) alive is becoming a difficult exercise. It has called on the resources of the medical profession on both sides of the House, and they need to be thanked on the honourable member's

behalf. In fact, he has already thanked them. I can assure him, and he would not have been aware of it at the time it was happening, but all the rest of us who feel that we may from time to time have the need of a doctor or nurse were paying very close attention to the bedside manner of the three doctors and several nurses who came to his assistance. I will not tell him what conclusions we arrived at in that regard, except to say that I think it would be universally the view that those who attended upon him had perhaps missed their vocation and should have stayed with their original professions: they were very good indeed.

In particular, I would like to thank one of the nurses here, Jill Baker, who came to his assistance and would not normally have come to the attention of honourable members and hopefully will not do so often. There are a number who have been missed out. This place is a difficult Parliament to operate, much more difficult than the previous Parliament. It is difficult politically and difficult organisationally, but it has colour, and a lot of that colour is provided by the commercial activities which take place here. I suppose pre-eminent among that is Aussie's Store, which really has come to add a considerable degree of character to this place; we all thank him. It has to be said that, as we see the gold chains proliferate, we do not assume around here that it is an unprofitable exercise on his part. Nevertheless, it is a colourful exercise. He is doing very well, and the way he works, he deserves to do very well.

Then there is the front shop, there is the bank, the Qantas staff, Lizzie the hairdresser, and all the drivers who serve us—and I particularly would like to thank John Trehella of my staff in that regard. Then there are those who attempt to make us look a little different, and I probably should have included Lizzie the hairdresser in that. There are others, however, whose task is even more daunting than that of Lizzie the hairdresser, and they are the women who work in the gym. They have failed miserably with me for reasons I cannot fathom. But they are going to have to do better over the next

couple of months, I think, if all of us—and me particularly—are to survive what may be events which transpire in this chamber next year.

I thank my Caucus colleagues, particularly, for their vigorous participation in debates in this chamber and their willingness to assist the Whips so well by turning up here. I thank my staff, who put in an enormous amount of time from my point of view in making sure that the Parliament ticks over, particularly John O'Calaghan, who is the member of my staff responsible for dealing with the business of Parliament.

I very much thank you, Mr Speaker. Perhaps I ought to have started with you but because you are a person who sits above us all and has absolutely no part in the proceedings of this place and therefore does not normally come to the attention of the Leader of the House who must operate in a totally partisan fashion. Naturally, it is the Whips I turn to first, rather than yourself. You have absolutely graced that position since you have held it. I was tremendously pleased to hear the tribute paid to you by the Leader of the Opposition (Dr Hewson) on your impartiality, and the solid view of the Opposition in that regard. It is not often enough said, I think, but very justifiably stated by the Leader of the Opposition.

A question has been raised by the Opposition from time to time on the issue of televising Parliament. We have been giving that careful consideration following discussions earlier in the sitting between the Prime Minister (Mr Hawke) and the Leader of the Opposition. Before the Parliament resumes for the autumn sittings, the Government intends to nail down the arrangements for introducing more comprehensive broadcasting of proceedings. Of course we will be having discussions with you, Mr Speaker, about that and with relevant committees and the Opposition. We do see considerable merit in wider broadcasting of parliamentary proceedings and we are concerned to ensure that the best possible arrangements are put in place to facilitate this. Obviously, these discussions will occur with you, Mr Speaker, at some time over the next

month or so—somewhere in between your brief rest in hospital and your trip to Indonesia. We will also be having discussions with other people in this place on that matter.

I thank my ministerial colleagues and their staff, again for their participation in this place. As our numbers are smaller than in the previous parliament, much more of a role in parliament does come upon Ministers. They have acquitted themselves admirably in that regard. I thank the press gallery, too, for their balanced reporting of events in this place. But I do offer one plea to them: I do not actually have a lengthy period of experience here, but I do have a lengthy memory, given the fact that my father was here for most of my life, and it is the case that the actual daily debates of parliament were carried much more extensively in the written media than they are carried now. None of the print media outlets in any of the capital cities seem to any longer consider themselves to be journals of record when it comes to dealing with the affairs of this place, and that is a great shame. I hope that, given the very considerable skills of political reporting which do lie in the gallery, those who are here will be able to persuade their editors of a requirement to do more in that regard.

I think that for honourable members here it will be a happy Christmas. There have been many changes of life for most of us here—some over the last year or so. Some of us who were not Ministers have become Ministers, some who were Ministers have ceased to be Ministers, some who were members of parliament have ceased to be members of parliament, and there are new members of parliament in this place. Some of us, including myself, even got married during the course of the year and, as I said, there have been many significant life changes for a number of honourable members in this place.

All of us are privileged to serve here. All of us feel that privilege deeply, and it is against that background that I wish to express my thanks to all of you for your participation in the parliamentary process, and wish everybody a happy Christmas.

Mr FIFE (Hume—Manager of Opposition Business) (2.59)—I do not propose to repeat all that has been said, but I would like to endorse what has been said and join with the other speakers in thanking all those who have helped to make parliament run during the past 12 months. In particular, I thank you, Mr Speaker, and the Clerks and the other members of the parliamentary staff, my opposite number, the Leader of the House (Mr Beazley), and Clare Nairn and her staff for their cooperation. It is a difficult task to run the House. As the Leader of the House has indicated, without the full cooperation of all concerned it would not only be difficult but it would also result in the House being a shambles at all times.

I also take this opportunity to thank members of the Opposition staff, particularly the members of staff of the Leader of the Opposition (Dr Hewson) and the staff of the other shadow Ministers, for their cooperation with me and for their sterling duty in this place in helping to keep us properly briefed for the House.

Mr Speaker, it remains only to say two things. Whilst we of course disagree from time to time on how this country should be governed, I have no doubt that all members of the House believe that they are doing the best they possibly can for the Parliament and for the people of Australia. First and foremost, we are Australians and our first duty is to Australia and to Australians.

I thank my colleagues on both sides of the House for their cooperation with me in my duties, and I congratulate them for their contribution to the affairs of Australia. I join with the Prime Minister (Mr Hawke), the Leader of the Opposition and other speakers in extending seasons greetings to one and all. I hope it will be a very happy Christmas and also a very happy and healthy new year for everybody.

Mr SPEAKER—If there are no other contributions, I might say a few words myself. I would like to thank the Prime Minister (Mr Hawke), the Leader of the Opposition (Dr Hewson) and the Leader of the House (Mr Beazley) for their kind

words. I would particularly like to thank my deputy, the honourable member for Stirling (Mr Ronald Edwards) for the hard work that he has put in this year. Having been the Deputy Speaker myself, I now feel sorry for the things that I did to Joan Child because they are now being done to me by Ron. I would particularly like to thank Margaret in his office who ensures that she arranges the rosters for the chamber so that at least there is someone here at all times.

The Deputy Chairmen of Committees, who do the long grinds late into the night and get very little remuneration from the Remuneration Tribunal, deserve not only our thanks but maybe the support of the parties when the Remuneration Tribunal is looking at their allowances next year. The Leader of the House, the Manager of Opposition Business (Mr Fife), and the Whips on both sides, as has been said earlier, do a great job in making sure that the chamber ticks over and that a great deal of matters are dealt with here in unanimity. It is unfortunate, as I think the Leader of the House said, that the press tends to be too interested in promoting any confrontation that occurs in the chamber rather than the fact that probably over 90 per cent of the legislation that we deal with is passed by agreement. Particularly when one looks at committee work, one finds even more agreement among members.

I would like to thank the Clerks and the staff of the House of Representatives Department, particularly the security and other attendants and the committee staff, for the work that they have done during the year. A number of new people have come into the Parliament this year. Old members have passed by and new members have come in. Some of them seem to have learnt bad habits rather quickly. I thought that Wilson Tuckey was going to get the award this year for the person with the most number of ejections in the history of the Parliament. In fact, I said to Wilson that I was going to get a videotape made of all the times he had been ejected, but we only had the videotape records of this Parliament. Seeing that I could not give Wilson the full documentation of his

days of glory, he said he thought it was not worth while doing it for only a few episodes.

I noticed in the last few days that the honourable member for Higgins (Mr Costello) seemed to want to take over Wilson's accolade, having regard to a few interjections from time to time. Maybe the Leader of the Opposition will move him further up the bench so that I can hear what he is saying, rather than just observing the gesticulations from the other end of the chamber. I do not know whether or not I am killing him with kindness in saying that.

The statements by the Leader of the Opposition and the Leader of the House about the standards of the Parliament having increased, and the remarks that the Prime Minister made earlier this year, are very true. I think that in this Parliament we have been more reasonable with each other, and I think that that is a good thing. There is no doubt that the parliamentary departments that the President and I jointly run have done a lot to help us during our time in the building this year: the Joint House Department, particularly from my experience with the catering area with Col Christian, Jenny and the work that they have done; the Parliamentary Library; and those who report us, both in the Parliamentary Reporting Staff and in the Parliamentary Press Gallery—some of whom report us accurately and, if one judges by the number of personal explanations that members make, others behind me here, in the eyes of members, sometimes do not report them as accurately as they should.

Those institutions, which are both covered by the Australian Journalists Association, might have some sort of cross-fertilisation so that we might get some more accuracy in one and maybe a little more flair in the other. But the Parliamentary Reporting Staff have been through a difficult year. We have amalgamated the Parliamentary Information Systems Office with the old *Hansard* department. On behalf of all members, I pay tribute to the senior management in that Department and all the people in that Department for the way that they have

looked at the amalgamation in a positive sense and for the product that they have turned out. We have seen this year and we will see next year a far better product for this Parliament, for members and for senators, a more timely product from *Hansard* and, as the Leader of the House has intimated that we are going to televise the Parliament or the House of Representatives, we will have a far more integrated approach. I would like to congratulate the staff of that amalgamated group for the positive way that they approached the amalgamation.

At this time last year, I was able to inform the House that 2.6 million people had passed through this building. In a couple of weeks time, we are expecting our four-millionth visitor. I suppose when we moved into this building, we all did so with some sort of worry that our constituents, when they came into the building and saw the building, might say that we had spent too much money and that, as some of the press had said, it had become a sort of palace to ourselves. But the guides and the public relations people tell me that there are very, very few complaints about the building, and that people really feel a sense of pride in this Parliament House.

The fact that we have attracted four million visitors in so short a time has made this Parliament building the premier tourist attraction in Australia. Indeed, earlier this year, in July, we were awarded the Australian Capital Territory tourism award for standards of excellence in hospitality in tourism. That says a great deal for the staff who work for us in this building—the little people whom most of us would just see in passing in the corridors, whom we do not know by name, but who are very hard-working people who are proud to work in this building and who are proud to play their small part in the running of this Parliament.

I also thank my own staff, both in Sydney and in Canberra: Anne Stewart, my senior adviser, in particular, and Frank Arnold, my attendant, who has decided that the late nights in the Speaker's office were getting a bit too much for an old Navy fellow and who has decided to go

back on to day work. I do not know whether we work all that late in my office, but Frank wants a more regular lifestyle, and I would like to thank him very much for the work that he has done for me. I thank John May and his staff, who make sure that we get back here in time for divisions and that we get to the airport in time for the planes, and they will be making sure that we get delivered back to our electorates and families pretty quickly.

As other speakers have said, the people who probably pay the price for our being here are our families. I think that one of the things we all ought to look at next year—and maybe the parties when they are talking to the Remuneration Tribunal and the Government—is the way we can facilitate better contact with our families, having regard to our life here. I have said to members in the past and I have said to the Tribunal that I think the fact that we only allow our children to visit us here on three occasions in a year is scandalous.

When one looks at the way in which the age profile of members in this Parliament has changed over the years, one can suppose that, in the days when that rule was made, this House was made up of men aged over 45 or 50. We now have young men and young women in here who have young families, and I think we should be looking at some mechanism that helps to bring them down here, to help them to participate in our jobs as members of parliament. We might find that that takes a lot of the pressure off some of our families and saves some disasters.

The people we should all particularly thank at this time of year are our constituents who do us the great honour of giving us the chance to serve in this Parliament. I do not think that many of them would realise the honour that we know it is to do so and how important it is to serve in this place. At any given time in the life of Australia, only 148 of us can sit in here and have a real say in the way our country runs. I do not think there is anything more important that you can do in your life than that. Before I put the question, I wish all honourable members and indeed honourable senators a happy and safe Christmas. I look forward to

seeing you all at 2 p.m on 12 February 1991.

Question resolved in the affirmative.

LEAVE OF ABSENCE

Motion (by Mr Beazley) agreed to:

That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

House adjourned at 3.11 p.m. until Tuesday, 12 February 1991, at 2 p.m., in accordance with the resolution agreed to this day.

PAPERS

The following papers were deemed to have been presented on 21 December 1990:

Australian National Railways Commission Act—Australian National Railways Commission—By-laws—General, Amendment No. 10.

Telecommunications Act—Determination of Technical Standards pursuant to section 106, dated 28 November 1990.

ANSWERS TO QUESTIONS

The following answers to questions were circulated:

Vietnamese Students

(Question No. 1)

Mr Sinclair asked the Minister for Employment, Education and Training, upon notice, on 9 May 1990:

(1) With respect to Vietnamese students admitted to Australian educational institutions under Government aid programs, (a) how many have been admitted in each year since 1985, (b) to which institutions and courses were they admitted, (c) how long did each student stay in Australia, (d) is each student required to leave Australia upon ceasing studies, (e) what level of study results is required and what course of action is followed if satisfactory standards are not achieved and (f) what is the cost to the taxpayer of their studying in Australia.

(2) Have any such students breached their visa applications; if so, (a) how many and (b) where were the students enrolled when the breaches took place.

(3) Did any such students recently leave courses at the University of Canberra, formerly the Canberra College of Advanced Education, prematurely; if so, (a) how many and (b) did any official in his Department have prior knowledge of the students' intention to leave their courses prematurely.

Mr Dawkins—The answer to the right honourable member's question is as follows:

(1), (2) & (3) The responsibility for Government aid programs does not fall within my portfolio.

The number of Vietnamese students who study in Australia at secondary and tertiary level under either the former subsidised arrangements or the full fee program administered by my Department is so small that student numbers are not recorded separately; students from Vietnam are reported in an "Other Asia" category.

Cultural Development Committee

(Question No. 166)

Mr Hollis asked the Minister representing the Minister for Foreign Affairs and Trade, upon notice, on 22 August 1990:

Which states in Unesco's electoral Group IV (Asia and the Pacific) sent representatives or observers to the first session (Paris, 12-16 September 1988) and second session (Paris, 5-9 February 1990) of the Intergovernmental Committee of the World Decade for Cultural Development.

Dr Blewett—The Minister for Foreign Affairs and Trade has provided the following answer to the honourable member's question:

(1) The following countries from the Asia Pacific Region sent representatives or observers to the first two sessions of the Intergovernmental Committee of the World Decade for Cultural Development:

	Participants	Observers
1988	India	Indonesia
	Iran	Malaysia
	Japan	Pakistan
	Nepal	Sri Lanka
	Philippines	Thailand
	DPRK	
1990	Bangladesh	Iran
	India	Malaysia
	Indonesia	DPRK
	Japan	Mongolia
	Philippines	Pakistan
	Thailand	

Convention on Workers' Representatives

(Question No. 174)

Mr Hollis asked the Minister representing the Minister for Industrial Relations, upon notice, on 22 August 1990:

(1) Did the Minister state in answer to question No. 45 that New South Wales, Western Australia, South Australia and the Northern Territory have formally agreed to ratification of ILO Convention No. 135 Workers' Representatives, 1971.

(2) Has the Minister consulted with the Labor Governments of Victoria, Queensland and Tasmania concerning ratification of the Convention.

Mr Willis—The Minister for Industrial Relations has provided the following answer to the honourable member's question:

(1) Yes.

(2) Yes. Commonwealth and State Labour Ministers considered Convention No. 135 at their meeting in November 1990.

The Ministers decided that Convention No. 135 should be included in the group of Conventions which, by agreement between the Ministers, have priority for the purposes of any action by the Commonwealth or the States that is necessary for achieving compliance with the requirements of the Conventions concerned.

The Minister for Industrial Relations regards Convention No. 135 as containing important standards which are suitable for application in

Australia and will continue to encourage the Governments concerned to take all steps necessary for the Convention's early ratification.

Aborigines: Division of Parkes

(Question No. 183)

Mr Cobb asked the Minister for Aboriginal Affairs, upon notice, on 22 August 1990:

Will he provide details of all funding allocated by the Department of Employment, Education and Training to Aboriginal groups and individuals in the Division of Parkes since the Department's inception.

Mr Tickner—The answer to the honourable member's question is as follows:

The Department of Employment, Education and Training (DEET) provides assistance to Aboriginal groups and individuals under the Training for Aboriginals Program (TAP) through the appropriation for Aboriginal Enterprise Employment Assistance (270-6-03) and Aboriginal Employment Assistance (270-6-09).

DEET's management information system indicates that there have been 545 trainees assisted under Aboriginal Employment by the 5 CES offices in the Division of Parkes in the three financial years since DEET's inception.

In addition, wage subsidy assistance has been provided to 123 employees of Aboriginal enterprises under the Enterprise Employment Assistance scheme, bringing 688 the number of persons assisted. Estimated expenditure on these participants during the three financial years is \$4.8 million.

The expenditure figure is calculated using average cost, numbers in training and an average duration of training. The figure is an estimate only, as specific data cannot be aggregated by the management information system.

No funding is provided to Aboriginal groups from TAP apart from that noted above.

Under the National Aboriginal and Torres Strait Islander Education Policy (AEP), which subsumed a number of other Aboriginal education programs from 1 January 1990, the Department assists Aboriginal students in the Division of Parkes. Information as to the funding levels are for 1990 only. Further information for funding prior to 1990 is unavailable at this stage.

DEET provides assistance to Aboriginal students in NSW through the NSW Ministry of Education and Youth Affairs under Strategic and Operational Plans agreed to by the Commonwealth.

Under these plans the only expenditure which can be specifically identified with the Parkes Division is \$800,000 approved for Aboriginal pre-

school education, although the AEP funding would also support other activities in the district.

In addition, under the AEP two specific programs are being funded by DEET, these are:

- the Aboriginal Student Support and Parent Awareness Program provides assistance to some 2000 students in the Division at an estimated expenditure of \$495,000 for 1990. This Program covers some 39 primary and secondary students in Parkes; and
- the Aboriginal Tuutorial Assistance Scheme supports approximately 2000 students across the primary, secondary and tertiary sectors in Parkes, with six homework centres and some 200 contracts for assistance. These contracts are on average for 5 months in duration with an estimated cost to date of \$63,000.

All Aboriginal and Torres Strait Islander students, including those from the Division of Parkes are also eligible for income support through the Abstudy program. There is no facility to break down figures for Abstudy assistance by electorate as all claims from New South Wales are processed at a single processing unit in Sydney.

Newcastle Earthquake

(Question No. 195)

Mr Peter Morris asked the Minister for Finance, upon notice, on 23 August 1990:

(1) What financial assistance by category was provided in 1989-90 under the Natural Disaster Relief arrangements in respect of the Newcastle earthquake of 28 December 1989.

(2) How many applications for financial assistance by category had been resolved as at 30 June 1990.

(3) What was the average sum expended per application in each category to 30 June 1990.

(4) Is he able to provide details concerning the number and nature of applications in each category which were (a) rejected before or (b) unresolved at 30 June 1990.

(5) When will the unresolved applications for financial assistance be settled.

(6) Is he able to provide information on possible future applications for financial assistance.

(7) What is the anticipated expenditure on financial assistance by category and in total in 1990-91.

Mr Willis—The answer to the honourable member's question is as follows:

(1) to (4), (6), (7)—The attached table, supplied by NSW Government agencies, provides the information requested. Under the cost sharing arrangements relating to the Newcastle earthquake, half of the costs of relief and restoration measures listed are being met by the Commonwealth under the Natural Disaster Relief Arrangements.

(5) As the assessment of applications is being carried out by NSW Government agencies, I am unable to state when unresolved applications will be settled. However, I expect that these will be

completed as soon as possible after assessment of entitlement is completed, and note that more than 95% of the 3,561 claims received to 30 June 1990 have been resolved.

NEWCASTLE EARTHQUAKE Summary of Assistance Provided

	1989-90 Expenditure	Number of applications approved at 30.6.90	Average sum expended per approval to 30.6.90	Number of applications rejected to 30.6.90	Applications unresolved at 30.6.90	Awaiting insurance claims/ quotes	Awaiting reports/ assessments	Estimate of new applications after 30.6.90	Anticipated expenditure 1990-91
<i>Personal Hardship and Distress (a)</i>			\$	\$					
Immediate (emergency) assistance, essential household items and structural damage:									
- grants	583,200 (b)	2,235	261(c)	429 (d)	138	75	60	400	3,100,000
- low interest loans	57,700 (e)	14	4,121(f)	50					
<i>Small Business Assistance</i>									
- grants	733,000 (g)	74	9,905	31	115	0	33	20	2,500,000
- low interest loans	5,145,000 (h)	165	31,182	142					
<i>Restoration/Replacement of Essential Public Assets (State and Council)</i>		8,620,000							52,000,000
TOTALS	15,138,900	2,488		652	253	75	93	420	57,600,000

- (a) Direct assistance only—excludes operational expenses associated with emergency relief, social workers etc.
- (b) Additional grant assistance amounting to \$1.7 million was approved as at 30 June 1990, but is only paid to applicants as repair work is undertaken. Actual expenditure to mid-October exceeded \$1.5m.
- (c) This average will increase substantially as progress payments are made for structural damage.
- (d) The main reasons for rejection include applicants not meeting eligibility criteria (30%); claims for insurance excess (30%)—these applications were passed to the Lord Mayor's Appeal for consideration; items subsequently covered by insurance (14%); assistance claimed for items outside the relief guidelines (12%).
- (e) Total loans of \$260,000 had been approved as at 30 June 1990 for 14 applicants, but only 1 loan had been drawn.
- (f) This average will increase as further loans are drawn (see note (e)).
- (g) Grants of \$1.1 million had been approved as at 30 June 1990.
- (h) Loans of \$7.6 million had been approved as at 30 June 1990.

Witness Protection

(Question No. 230)

Mr Mack asked the Attorney-General, upon notice, on 17 September 1990:

(1) Has his attention been drawn to complaints made by Mr Reginald Michael O'Brien, who is an indemnified and protected witness in certain proceedings concerning the importation of cannabis resin, which relate to his treatment by officers of the National Crime Authority (NCA) and the Office of the Commonwealth Director of Public Prosecutions (DPP).

(2) Has his attention also been drawn to Mr O'Brien's complaint that his involvement in the Witness Protection Program and his role as an informer is the result of his entrapment by NCA officers.

(3) Has Mr O'Brien been intimidated, while a protected witness, through being named in open court as an informer before being granted indemnity.

(4) Did officers of the NCA leak information to the press about Mr O'Brien which adversely affected his legitimate property interests at Parramatta.

(5) Were threats of action against Mr O'Brien's assets made to ensure his co-operation in giving evidence as a prosecution witness.

(6) Did NCA officers seek to bring pressure on Mr O'Brien to give evidence by recommending that charges be brought against certain associates of Mr O'Brien against whom there was no proper case and who were subsequently discharged.

(7) Were seven members of Mr O'Brien's family called to an interview with NCA officers who then attempted to obtain statements from them without the benefit of legal advice or representation.

(8) Were officers of the NCA responsible for leaking information about Mr O'Brien which was likely to place his safety in jeopardy.

(9) Was the grant to Mr O'Brien of an indemnity from prosecution delayed for more than twelve months and given only on the day that committal proceedings commenced in the matter for which he was required to give evidence.

(10) Has his attention been drawn to the fact Mr O'Brien, through his solicitors, has asked for an inquiry into the conduct of NCA and DPP officers in his case.

(11) Will he take steps to institute an inquiry into the (a) conduct of the NCA and the DPP in the O'Brien case and (b) NCA's handling of protected witnesses generally.

Mr Duffy—The answer to the honourable member's question is as follows:

(1) I am aware of the complaints. Mr O'Brien's solicitors, O'Connor Bellamy have written to me making similar allegations on behalf of Mr O'Brien. Both Mr Mack's question and the O'Connor Bellamy letter make grave allegations concerning police officers attached to the National Crime Authority (NCA). It is appropriate that they be treated formally as complaints under the Complaints (Australian Federal Police) Act 1981 or the equivalent State legislation. Some earlier complaints by Mr O'Brien (not involving the NCA) are already being examined under the Complaints (Australian Federal Police) Act 1981.

(2) I am aware of Mr O'Brien's allegation that his "involvement in the Witness Protection Program and his role as an informer is the result of entrapment by NCA officers".

The Director of Public Prosecutions has provided me with information as to the background to Mr O'Brien's involvement. The matter arose from charges under Section 223B (1)(cb) of the Customs Act 1901, in relation to an alleged conspiracy to import 1.6 tonnes of cannabis resin, at Sydney on 24 December 1988. Ten persons were charged by the investigative authority, the NCA. Mr Reginald Michael O'Brien, one of the alleged conspirators had, early in the investigations, agreed to give evidence against his alleged co-conspirators on the condition that he be granted an indemnity from prosecution. There is no hint of Mr O'Brien having been coerced or "entrapped" into the agreement.

Participation in the witness security scheme administered by the Australian Federal Police is voluntary. Mr O'Brien is free to terminate the relationship at any time.

(3) A substantive answer can only be provided on completion of investigations under the Complaints (Australian Federal Police) Act 1981 or the equivalent State legislation—referred to at (1) above.

(4) A substantive answer can only be provided on completion of investigations under the Complaints (Australian Federal Police) Act 1981 or the equivalent State legislation—referred to at (1) above.

(5) A substantive answer can only be provided on completion of investigations under the Complaints (Australian Federal Police) Act 1981 or the equivalent State legislation—referred to at (1) above.

(6) No.

(7) No. On 3 September 1990 seven members of Mr O'Brien's family were summonsed to appear before the Authority at a hearing on 7 September 1990. The summonses were issued pursuant to the Authority's powers to conduct hearings under section 28 of the National Crime Authority Act.

(8) A substantive answer can only be provided on completion of investigations under the Com-

plaints (Australian Federal Police) Act 1981 or the equivalent State legislation—referred to at (1) above.

(9) The National Crime Authority made application to the Director of Public Prosecutions for the appropriate indemnity on 3 July 1989. Approval "in principle" was given by letter from the Director dated 11 August 1989. Committal proceedings were due to commence on 18 April 1990.

(10) Yes.

(11) In light of the above, I do not believe that the inquiries are warranted.

DASETT: Access and Equity Plan

(Question No. 255)

Mr Ruddock asked the Minister for the Arts, Sport, the Environment, Tourism and Territories, upon notice, on 19 September 1990:

With respect to each of the Departments and agencies for which the Minister has portfolio responsibility, (a) when (i) was the first round Access and Equity Plan published and (ii) will the second round Access and Equity Plan be published, (b) what mechanisms have been set up, including at the regional level, to ensure ongoing consultation on access and equity with community organisations, (c) which community organisations or representatives are involved in such mechanisms, (d) which officer has major responsibilities for access and equity in the Department or agency and what is the officer's position and (e) what are the names and contact telephone numbers of the access and equity officers in each region.

Mrs Kelly—The answer to the honourable member's question is as follows:

(a) (i) The first Access and Equity Plan for the Portfolio was published in December 1989.

(ii) It is anticipated that the second Plan will be published by June 1991.

(b) & (c)

DEPARTMENT

— The national Physical Activity and Lifestyle Strategy was developed with input from a large number of community organisations. This process will continue as the Strategy is further developed and as particular program initiatives become operational.

The establishment of the Australian Alliance for Physical Activity and Lifestyle, an umbrella organisation for the diverse range of agencies in the fitness and healthy lifestyle field, will enable community views to be brought to the attention of the Department.

— The Expositions and Special Events Section consults widely with community interest groups,

including ethnic organisations, concerning the presentation and content of specific imagery for expositions, to ensure that the cultural diversity of Australia is appropriately depicted in Australian exhibitions overseas.

- The Jervis Bay Residents Group has been set up in the Jervis Bay Territory. It comprises one representative from each of the four identified community groups in the Territory.

The Christmas Island Assembly is the major mechanism to ensure that Island residents have a greater say in the future of the Island through a democratically elected body. The Assembly has always included representatives from the various ethnic groups represented on Christmas Island.

On Cocos (Keeling) Islands, an Education Advisory Committee advises the Administrator on education matters affecting the Cocos Malay community. Membership includes representatives of the Cocos (Keeling) Islands Council and the Cocos Islands Co-operative Society. The Home Island Health Advisory Committee includes representatives of the Council and the Co-operative, Home Island pensioners and health workers. A Committee made up of Cocos Malay residents and mainland based residents advises the Administrator on programming for local radio broadcasting, which is presented in Cocos Malay and English.

- A Consultative Committee was appointed on 7 March 1990 to prepare a Plan to co-ordinate efforts by cultural heritage institutions, including libraries, to reflect the cultural diversity of the Australian heritage in their collections and practices. The Committee includes representatives from the three levels of government, community organisations and collecting institutions. An important consideration for the Committee was the improvement of access to the collections and activities of museums, art museums and libraries.

The Committee commissioned a consultant to examine the current programs of the major cultural institutions in Australia. The Committee also conducted a survey of over 550 ethnic community groups and Aboriginal and Torres Strait Islander cultural groups to determine their views about the institutions.

- The Environment Assessment Branch conducts environmental impact assessment of development proposals requiring a decision by a Commonwealth Minister or authority, in accordance with the Environment Protection (Impact of Proposals) Act 1974. The Act and the administrative procedures under section 6 of the Act make extensive provisions for public access to Environmental Impact Assessment (EIA), including opportunities for the public to comment on EIA documentation and requirements to make information about assessments avail-

able to the public. In some circumstances, specific arrangements are made to ensure that particular groups in the community can contribute to the assessment in a meaningful way, such as Aboriginal and ethnic groups, affected by a development proposal being assessed under the Act.

In regard to complex or contentious projects, the Department invites comment from the public, including relevant local or national conservation groups, on draft guidelines for an EIA to ensure that all issues of concern to the community are addressed in the documentation.

Where an Aboriginal community is identified as likely to be affected by a proposal, specific steps are taken to ensure that the community is consulted in a manner consistent with its decision making processes. The Department has consulted with affected Aboriginal communities through the Aboriginal and Torres Strait Islander Commission regarding EIA guidelines for the proposed Cape York space port.

Specific steps have been taken to ensure that affected migrant communities are able to participate fully in the assessment of the proposed third runway for Sydney Airport. A newsletter giving facts on the proposal and a leaflet outlining how to make a submission on the draft EIA have been produced in Chinese, Greek, Spanish, Portuguese, Vietnamese, Arabic and Italian. The availability of the draft EIA was advertised in seven languages in ethnic community newspapers as well as in local English language papers. Grants have been made by the Government to facilitate participation by community groups in the environment assessment process, for example, to groups opposed to the third runway.

- A wide variety of publications on Greenhouse issues are available to the public free of charge and are printed in a number of community languages—Arabic, Chinese, Croatian, French, Portuguese, Serbian, Spanish, Turkish and Vietnamese. A mailing list is maintained by the Greenhouse Information Unit to provide details on current issues. The list is updated frequently. Any group or organisation is eligible to be placed on the list. The current list includes local government, information groups and representatives of ethnic groups.
- **Greening Australia**, which administers the One Billion Trees Program for the Commonwealth, works closely with community groups, volunteer groups and schools. Consultations to determine the needs and expectations of particular individuals and communities is important to the success of the program. Each State and Territory has developed a range of specific programs to achieve their target number of trees. Information about the program is disseminated

through meetings, extension literature (pamphlets, books, calendars, newsletters) and media coverage.

Greening Australia is developing a marketing strategy to ensure that all Australians know about the Program and can participate. Where possible Greening Australia is ensuring that paid and voluntary staff are aware of cultural, linguistic and racial factors when developing and implementing the program.

- **Film Australia** develops its film and television production agenda on an annual basis through the mechanism of an editorial 'think tank' forum which includes leading writers, academics, critics and social commentators. The package of films is shaped by the company following consultation with the community and discussion with the various markets for the programs. In its commissioned programs for various Government Departments, Film Australia pursues an active role in encouraging Departments to make videos and films relevant to access and equity issues.
- The **Australian National Maritime Museum** has no formally established mechanisms for consultation with community groups. However, in the process of exhibition development, especially for the subject areas of Aboriginal and Torres Strait Islander interaction with the sea, immigration and maritime leisure, ongoing consultation has been promoted and maintained by staff responsible for these areas on an informal basis.

Community groups consulted in developing exhibitions include the:

- Federation of Ethnic Communities Councils of Australia;
- NSW Ethnic Communities Council;
- Polish Hill River Museum;
- Jewish Museum of Australia, Great Synagogue;
- Vietnamese community in Australia;
- specific community cultural groups;
- professional scholars in the area;
- other state, national museums;
- Aboriginal and Torres Strait Islander—Duan Island Council (Torres Strait Islands);
- Institute of Aboriginal Studies;
- Boroloola Community; and
- National Parks and Wildlife Service;
- The **National Film and Sound Archive (NFSA)** is significantly assisted in its work by a ministerially appointed Interim Council. Members of the Council are drawn from a diversity of disciplines within the broad field of Australia's moving image and recorded sound community.

Each member possesses extensive and significant community contacts.

Within the NFSA's ongoing operations, programs exist which are critically reliant on effective access and equity measures. The education program accommodates many visitor groups representing specialist education interests, non-English speaking backgrounds and senior citizens, along with the continuation of an off-site speaking program. A full range of client requests for access to items in the collection are facilitated by the NFSA's specialist Access Units in Canberra, Sydney and Melbourne as well as through its regional representatives in Hobart, Brisbane and Perth.

Whilst the NFSA has not developed a program of ongoing consultation in relation to access and equity, the various key program areas conduct performance assessments, including client evaluation.

- The **National Science and Technology Centre** consults with a variety of community based organisations throughout Australia, although no formal mechanisms have been established. The Centre consults with a number of organisations and groups such as Commonwealth/State Authorities, education curriculum consultants, science communicators, professional bodies, schools, teachers and bodies representing teachers, tourism and educational authorities, Aboriginal communities, organisations and consultant groups and other special interest groups.

AGENCIES

Australian Sports Commission

The Commission consults with:

- National Sporting Organisations;
- State/Territory departments responsible for sport;
- Commonwealth, State and local education authorities;
- the National Committee on Recreation for People with Disabilities;
- the Office of the Status of Women;
- the Office of Multicultural Affairs;
- community interest and community sporting organisations representing specific age, ethnic, disabled or gender groups;
- sport coaching bodies; and
- organisations involved in promoting sport participation for special groups through the media.

Other methods of consultation include appropriate representation of women and people from non-English speaking backgrounds and other special interest groups on the Commission's boards and committees; program evaluation through feedback from clients or client organi-

sations; and attendance at and organising conferences and seminars. Consultation also occurs on a project by project basis with relevant organisations for some of the Sport for All participation initiatives.

Australian Tourist Commission (ATC)

The ATC is an international marketing organisation and the Commission's operations are mainly based overseas. The Commission has no mechanisms in place to provide for consultation on access and equity with community based organisations.

National Capital Planning Authority

- In developing the National Capital Plan, the National Capital Planning Authority consulted with the community, including the ethnic community, via the following procedures:
 - advertised in metropolitan and national newspapers inviting comment and participation in the consultative process;
 - sent copies of the draft plan to every local council in Australia, many state and territory government agencies, and community groups inviting comment from them;
 - created a Consultative Committee representing a wide range of community and minority interests, representatives of the Council for the Ageing, ACT Council of Social Services, Tuggeranong Community Council and the Reid Residents Association;
 - held workshops and meetings in Canberra and the State capitals, which were attended by representatives of community groups who had not previously taken part in the planning process; and
 - invited representatives of community groups to meetings of the Authority.

Significant amendments to the National Capital Plan will be subject to similar programs of national public consultation, and will include action to ensure that ethnic and other minorities are made aware of the opportunity to contribute to the process of planning the National Capital.

Australia Council

The Council has a number of formal and informal mechanisms for consulting with ethnic communities. The Council funds a network of 14 multicultural arts officers throughout Australia. It also funds the National Multicultural Arts Network, which represents ethnic artists and communities. The National Multicultural Arts Network has set up State and Territory Multicultural Arts Networks.

The Council's Multicultural Program Manager has attended meetings with artists and communities from non-English speaking backgrounds in Cairns, Townsville, the Burdekin, Innisfail (QLD), Katherine, Jabiru and Darwin (NT), the

ACT, Wollongong (NSW) and the Swan District (WA).

On-going consultation is assured through the Cultural Access Team set up by the Council's Performing Arts Board.

Council policy is to have representatives of non-English speaking background on Council, its Boards and Committees, and appointments to those bodies are made in line with Council's approved grid to ensure appropriate migrant representation. The Council has agreed to the establishment of a Multiculturalism Committee comprising non-English speaking background appointees to Council boards and committees. The Committee has been allocated funds to operate for a period of at least three years. Its role will be to monitor and develop policies for recommendation to Council in the Arts for a Multicultural Australia program area.

In developing the National Youth Arts Policy, the Council commissioned papers, held state-based workshops and reviewed Australia Council programs and expenditure in this area. A key target group in all of these activities is youth of non-English speaking background.

Information on the Council's Grants Program is advertised nationally in the ethnic press and on SBS Ethnic Radio. Training in crosscultural awareness and working with interpreters is being provided for staff.

A multicultural language information strategy, launched in Sydney and Melbourne in early October 1990 in 10 languages, explains the services of the Council. Consultation took place with the Federation of Ethnic Communities Councils and the Department of Immigration and Ethnic Affairs regarding the choice of appropriate languages for the brochure, and in developing the strategy.

The Aboriginal Arts Committee has undertaken a complete review of funding and support policies in consultation with Aboriginal arts groups across Australia. The Aboriginal Arts Committee and its three artform panels comprise Aboriginal artists from across Australia. Aboriginal representatives have been appointed to the Council and its Boards.

In addition, the Australia Council engages in ongoing consultations and discussions with a number of community organisations such as the:

- Federation of Ethnic Communities Councils;
- Ethnic Community Councils of NSW, Queensland, WA, NT and the ACT;
- Uniting Ethnic Communities of South Australia;
- Multicultural Artworkers Committee of South Australia;
- Adelaide Folkloric;

- Migrant Resource and Settlement Centre of NT;
- Multicultural Arts Victoria;
- Footscray Community Arts Centre (Vic);
- Brisbane Ethnic Music Centre;
- Liverpool and Blacktown Migrant Resource Centre (NSW);
- Granville Multicultural Centre (NSW);
- Multicultural Arts Trust of SA; also
- local government organisations—federal, state and regional bodies and individual councils; and
- a wide range of community based organisations.

Australian Film Commission

The Commission has not as yet consulted with the ethnic community on access and equity issues.

Australian Film, Television and Radio School (AFTRS)

The AFTRS is committed to ensuring on-going consultation with community organisations regarding access and equity. The mechanisms for this consultation are both formal and informal.

The School has been conducting regular courses over the past ten years for Aboriginal and Islander people in both radio and video production techniques. Over the past two financial years there has been an increased involvement in on-site Aboriginal training through community organisations. The School is also developing parallel strategies to ensure increasing access to the School's facilities and training programs.

The Industry Training Fund for Women has strong links with community based women's film and television associations operating in various states, Women in Film and Television (NSW and VIC), Film Facts (QLD) and Cinematrix (WA). All these organisations are committed to open access and non-discriminatory policies for women entering the film, television, video and radio industries. The fund supports these organisations and their members in a number of ways; such as direct support by means of printing and posting newsletters and fliers, facilitating functions and events, running specialised training courses for skilled women in the industry and supporting courses for women just starting their careers. The fund also has links with Metro TV, a community access video organisation in Sydney.

In addition to these mechanisms, AFTRS representatives in each state are committed to searching out individual women who need support in training or re-education area. The women themselves are then encouraged to make application to the fund for individual training monies.

The AFTRS conducts regular training programs for ethnic broadcasters on behalf of SBS. In September 1990, a two day seminar was held at the School to examine multiculturalism in scripting for film and television.

Australian National Gallery

The Australian National Gallery publicises the culturally diverse nature of its collections to all groups in the community through its Public Affairs Department. The Public Affairs Department to design and implement effective advertising and promotional campaigns. The public relations role is an integrated function of a much broader marketing process which provides the match between the institution's human, financial and physical resources with the wants, needs and desires the public.

Specific methods of consultation and communication include:

- using SBS radio (translations into 42 languages) and television (feature programs) to present information on the Gallery;
- liaison with the multicultural arm of the ACT Tourist Commission with a view to co-operative marketing production of multilingual brochures;
- regular contact with the ethnic media ie host tours for visiting journalists, providing information kits;
- maintenance of mailing lists which target a broad cross-section of community organisations, other institutions, schools and tertiary education establishments;
- media (print and electronic) at the local, national and international level;
- direct contact with community groups via the Gallery's involvement in boards and associations as active/participating members; and
- professional teacher groups (language, art, English, Maths and pre-school), the Art Accreditation panel, the Institute of Museum and Gallery educators. Lecturers regularly participate in community art functions as a means of publicising the accessibility of the Gallery and its staff and services.

The Guide training program is aimed at non-art specialists and at recruiting from a wide cross-section of the community. Gallery guides go out to senior citizens and others unable to come to the Gallery.

Curators liaise with community groups in the development of exhibition proposals. Research assessing the requirements of community groups in relation to the travelling Exhibitions program is being conducted, with particular reference to Aborigines and Torres Strait Islanders and to people from non-English speaking backgrounds.

Gallery staff accompany exhibitions to interstate venues to speak at opening functions and conduct public lectures and media interviews. An education lecturer assists with developing education programs for these exhibitions, and assists these venues to provide services for teachers and voluntary guides and guided tours for student and public groups. Priority is given to isolated areas.

National Library of Australia

The Library has established broad ranging consultative mechanisms, aimed at providing a forum for users, clients and customers. Many of these bodies consider among other things, questions of access and equity. Other initiatives include appointing a Community Liaison Officer and conducting user surveys. In addition, the Library endeavours to include people from a diverse background, including non-English speaking background, as members of its Boards and Committees.

The Library also consults with the community and key organisations through the mechanism of meetings and committees such as the:

- Australian Bibliographic Network Annual Users Meeting;
- Australian Bibliographic Network Committee;
- Australian Bibliographic Network Standards Committee;
- Australian Bibliographic Network User Groups (State based);
- Australian Council of Libraries and Information Services;
- Friends of the National Library;
- Harold White Fellowship Advisory Committee;
- Medlars Advisory Committee;
- Medlars Users Meeting;
- National Library Consultative Council;
- OZLINE Database Users Meeting; and
- the National Advisory Committee on Library Services for People with Disabilities.

The Library conducts ad hoc consultations around the country with relevant client groups on matters of topical significance, including access and equity issues, such as reader services.

In addition, the Library is represented on the Committees of a wide range of client and user groups, including non-English speaking background and cultural groups such as the Australian Folklore Trust.

National Museum of Australia

An Aboriginal Advisory Committee was established in 1984 by the Council of the Museum to provide advice to Aboriginal and Torres Strait

Islander communities on the operations of the Museum.

A position of Aboriginal Cultural Heritage Adviser has recently been created. The role of this position will be to advise Museum staff on matters pertaining to Aboriginal heritage and culture and to establish effective consultation with Aboriginal and Torres Strait Islander communities, agencies and other relevant groups. The Adviser will inform these communities about the activities and resources of the National Museum of Australia and seek appropriate input to Museum programs.

The Museum has recruited six curatorial staff with expertise in the fields of social history and Aboriginal studies to help to respond to the demands of the Australian community for access to the Museum's collection.

The Museum has engaged two ethnic collections consultants to advise on the general approach that the Museum might adopt to the role and significance of immigration in Australian history. These consultants have communicated with a range of ethnic organisations including representatives of the Austrian, Czechoslovakian, Hungarian, Polish, Chinese and Indo-Chinese communities.

The Museum is in the process of establishing links with a range of community groups (eg women's organisations, the peace movement and environmental organisations) to broaden its base of participation.

Australian Heritage Commission

In regard to Aboriginal matters, where nominations of Aboriginal sites for the Register of the National Estate are received by the Commission, from sources such as researchers carrying out National Estate Grants Program studies, every effort is made to ensure that consultation with the relevant Aboriginal communities takes place. A co-opted Aboriginal Commissioner, Dr Bill Jonas assists this process.

Australian National Parks and Wildlife Service (ANPWS)

The Central Office of the Service has produced publications and brochures eg 'Australian Animals and Plants—Enjoy and Protect Them' in 12 community languages.

Information on endangered species, wildlife conservation and international wildlife trade issues is distributed to the Australian Customs Service, the Department of Foreign Affairs and Trade and the Quarantine Service to assist in the development of briefing material for tourists and migrants.

Internationally accepted symbols are included in all publications, signs and displays provided in national parks under the jurisdiction of the Australian National Parks and Wildlife Service. Provision is made for the physically disabled in

all facilities developed within national parks managed by ANPWS. In addition, the ANPWS has produced a technical publication entitled Park Access Checklist designed to assist park managers Australia-wide to provide appropriate services for the disabled.

Translations of the Kakadu National Park Visitors Guide brochure has been produced in German, French, Italian and Japanese, although primarily intended for international visitors.

Kakadu and Uluru (Ayers Rock—Mount Olga) National Parks have Boards of Management appointed by the Minister comprised of Aboriginal representatives of the traditional owners, ANPWS staff and representatives of special interest groups. The Boards of Management regularly review, monitor and evaluate services, policies and programs to ensure that Aboriginal considerations are taken into account in the day to day management of the Parks.

Plans of Management for parks and reserves declared under the National Parks and Wildlife Conservation (NPWC) Act 1975 are prepared by the Director, where appropriate, in conjunction with the relevant Board. Plans of Management, which are the principal policy statements for the parks, are reviewed on a regular basis and access and equity requirements taken into account via the involvement of the Board or Advisory Committee and by public submissions when preparing a new plan.

For national parks on Aboriginal land, the NPWC Act provides for consultation with Aboriginal Land Councils in preparation of Plans of Management. Additional consultation with traditional Aboriginal owners is via community advisers, Aboriginal staff, community liaison officers, contact with Aboriginal organisations or through the establishment of special consultative committees whose role specifically relates to preparation of the Plans of Management.

Before proclamation of a park or reserve under the NPWC Act, a public notice is issued by the Director of the ANPWS indicating he intends to prepare a report recommending proclamation of an area as a park or reserve and invites public representation in connection with the report. The Director, when submitting his report to Executive Council, must give due consideration to any comments on those representations.

On Cocos (Keeling) Islands all publications on nature conservation are translated into Cocos-Malay.

Norfolk and Christmas Islands have National Park Advisory Committees comprised of representatives from the Island communities and Service staff.

Great Barrier Reef Marine Park Authority

The Authority is dependent upon public input into zoning plans. Whenever a zoning plan is about to be prepared or reviewed, reef users,

including Aboriginal people who use the Reef for traditional purposes, are invited to give their opinions on how zoning should be undertaken as well as providing information about their use of the Reef. This information is collated. Conflicts in usage are resolved and a draft zoning plan is prepared. The draft plan is advertised and public comment is again sought before the Plan is finalised and tabled in Parliament.

The Great Barrier Reef Consultative Committee was established by the Great Barrier Reef Marine Park Act 1975 as an independent body for both the Minister and the Authority. The Consultative Committee represents a wide cross section of interests in the Great Barrier Reef, from both the public and private sectors, including tourism, fishing, science, conservation and the Aboriginal community. The Consultative Committee's role is to furnish advice to the Minister, either of its own motion or upon request made by the Minister, in respect of matters relating to the operations of the Act; and to furnish advice to the Authority in respect of matters relating to the Marine Park, including advice as to the areas that should be parts of the Marine Park, referred to it by the Authority.

(d) & (e)

The central contact, and officer with major responsibility for access and equity in the ASETT Portfolio is:

Ms Cathy McHugh

Portfolio Access and Equity Officer

Portfolio Co-ordination Branch

(Administrative Services Officer Class 6)

Ph (06) 2741528.

The Portfolio Access and Equity Officer, located in the Department, has primary and overall responsibility for all matters relating to social justice and access and equity issues, as they affect the Portfolio. All requests for information and other inquiries on these issues, are referred to and pass through the Portfolio Access and Equity Officer. The Portfolio Access and Equity Officer is responsible for coordinating and developing the Portfolio Access and Equity Plan.

While there are no designated access and equity officers in the regions, the Portfolio Access and Equity Officer has developed a network of contact persons in each area of the Department and Portfolio agencies. While the contact persons have other duties as their prime responsibility, they assist the Portfolio Access and Equity Officer as required, in addition to their normal work load.

The names and contact telephone numbers of the contact persons for Portfolio agencies, current to October 1990 are as follows:

Australian Sports Commission Mr Bill Bailey Manager Policy and Planning Division Ph 2521470	National Library of Australia Ms Diana Carroll Policy Secretariat Ph 2621640
Australian Tourist Commission Mr Phil Collins Director Corporate Services Ph (02) 3601111	National Museum of Australia Mr Brian Palmer Assistant Director Resources Management Ph 2561119
Office of Government Advertising Ms Deborah Keeley A/g Director Standards, Liaison and Media Services Ph (06) 2741832	National Science and Technology Centre Mr Gary Bullivant Business Manager Ph 2702877
National Capital Planning Authority Mr Paul Carmody Secretary and Manager Ph 2711815	Office of the Supervising Scientist Mr Dominic Cottam Manager Corporate Services Ph (02) 3870646
Artnet Mr James Kenney Acting Director Ph (02) 662801	Australian Heritage Commission Mr Geoff Hore Assistant Director Corporate Services Ph 2712104
Australia Council Ms Deborah Mills Director Community Cultural Development Unit Ph (02) 9509000	Australian National Parks and Wildlife Service Mr Michael Greep Personnel Manager Ph 2500250
Australian Film Commission Ms Yvonne Ryan Director Administrative Services Ph (02) 9257366	Great Barrier Reef Marine Park Authority Mr Colin Trinder Canberra Liaison Officer Ph 2470211
Australian Film, Television and Radio School Ms Sandra Gordon Assistant to the Director Ph (02) 8056403	Country Telephone Directories (Question No. 311)
Film Australia Pty Ltd Mr Bruce Moir Managing Director Ph (02) 4138731	Mr Prosser asked the Minister for Transport and Communications, upon notice, on 20 September 1990:
Australian National Gallery Ms Lilian Harrison Public Affairs Manager Ph 2712431; and Mr Alan Dodge Public Programs Manager Ph 2712401	(1) How many calls to the 013 number (a) were received in Western Australia in each of the six months before Telecom began printing three separate country telephone books and (b) have been received in each of the six months immediately following the adoption of three country telephone books.
Australian National Maritime Museum Mr Sue Effenberger Cross-cultural Liaison Officer Ph (02) 5527719; and Ms Mary Louise Williams Assistant Director Museum Programs Ph (02) 5527712	(2) Did the July 1990 edition of "Telecom News At a Glance" report escalations in calls to 013 in recent months; if so, has Telecom determined the reasons.
National Film and Sound Archive Mr David Boden Corporate Services Ph 2671790	Mr Beazley—The answer to the honourable member's question, based on advice from Telecom, is as follows:
	(1) The number of calls to 013 received
	(a) before the split of the Western Australian Country Directories in April/May 1988: October 1987 959,829 November 1987 938,685

December 1987	1,007,642
January 1988	874,575
February 1988	905,380
March 1988	944,473
(b) after the split of the Western Australian Country Directories in April/May 1988:	
June 1988	1,062,703
July 1988	1,116,670
August 1988	1,115,742
September 1988	989,301
October 1988	1,039,204
November 1988	1,082,049

(2) Yes.

Calls to Directory Assistance have been increasing each year in line with the growth of new connections and business activity.

Road Accidents

(Question No. 321)

Mr Hawker asked the Minister for Land Transport, upon notice, on 9 October 1990:

What was the (a) road accident rate, by all measures, (b) number of people hospitalised as a direct result of road accidents, (i) in total and (ii) by types and degrees and (c) total number of vehicles registered as (i) private vehicles, (ii) motorcycles, (iii) buses, (iv) rigid trucks and (v) articulated trucks, in each State and Territory in each year since 1980.

Mr Robert Brown—The answer to the honourable member's question is as follows:

(a) National figures on road crash rates are only available for two levels of severity:

Fatal crashes—resulting in at least one fatality within 30 days of the crash, and Serious Injury crashes—resulting in at least one person being admitted to hospital.

Casualty rates are typically measured in three ways:

Casualties per 100,000 population

Casualties per 10,000 vehicles registered

Casualties per 100 million Vehicle Kilometres Travelled

Fatalities and Fatality rates are given in Attachment I.

Serious Injuries and Serious Injury Rates are given in Attachment II.

In addition, Fatal crash rates have been calculated for particular vehicle types, in 1988. These are given in Attachment III.

(b) There are no nationally consistent data currently available on casualties of any less severity than Serious Injury. No data are currently available on degree of injury for either Fatal, or Serious Injuries.

(c) Vehicle registrations are given in Attachment IV. As no data is available on use of vehicle ie private/business, the total of all 'Motor-cars (Motor cars, Station Wagons, Utilities and Panel Vans) is given as a proxy for total 'private vehicles'.

Attachment I

ROAD FATALITIES AND FATAL CRASHES, BY STATE, 1960-1989p

	Aust	NSW	Vic	Qld	SA	WA	Tas	NT	ACT
FATALITIES									
1960	2605	978	760	346	234	199	78	na	10
1965	3164	1151	929	467	243	252	93	14	15
1970	3798	1309	1061	537	349	351	118	42	31
1975	3694	1288	910P	635	339	304	122	64	32
1980	3274	1303	657	557	271	293	100	63	30
1981	3321	1291	766	594	222	238	111	70	29
1982	3252	1253	709	602	270	236	96	60	26
1983	2755	966	664	510	265	203	70	49	28
1984	2821	1037	657	505	232	220	83	50	37
1985	2941	1067	683	502	268	243	78	67	33
1986	2888	1029	668	481	288	228	91	71	32
1987	2772	959	705	442	256	213	77	84	36
1988	2888	1037	701	539	223	230	75	51	32
1989p	2799	962	771	427	221	243	80	61	34
FATAL CRASHES									
1975	3246	1150	784	553	310	259	108	50	32
1980	2955	1152	608	508	241	268	96	55	27
1981	2914	1130	677	510	196	217	97	63	24
1982	2872	1115	631	522	239	203	84	52	26
1983	2485	877	610	437	234	191	63	46	27
1984	2507	910	584	448	205	203	77	45	35
1985	2627	954	605	452	239	219	69	59	30

	Aust	NSW	Vic	Qld	SA	WA	Tas	NT	ACT
1986	2577	908	610	421	259	208	78	63	30
1987	2487	858	626	400	230	193	67	80	33
1988	2559	912	615	483	204	199	68	46	32
1989p	2402	783	678	375	199	214	68	57	28

na—not available

Source: ABS Cat No. 9401.0, and State and Territory Authorities

ROAD FATALITIES PER 10,000 VEHICLES, BY STATE: 1960–1989p

Year	Aust	NSW	Vic	Qld	SA	WA	Tas	NT	ACT
1960	9.3	10.0	9.5	8.6	7.6	9.4	8.4	na	6.3
1965	8.5	8.9	8.9	8.7	6.3	8.8	7.6	10.1	4.9
1970	8.0	7.9	8.1	7.8	7.3	8.5	7.6	16.8	5.8
1975	5.9	6.0	5.3	6.9	5.5	5.4	6.3	20.1	3.7
1980	4.3	5.2	3.4	4.4	3.8	3.9	4.4	13.5	2.8
1981	4.2	4.9	3.8	4.4	3.1	3.1	4.7	13.1	2.6
1982	3.9	4.5	3.3	4.2	3.6	2.9	4.0	10.3	2.3
1983	3.2	3.4	2.9	3.4	3.5	2.5	2.8	7.9	2.4
1984	3.2	3.6	2.8	3.3	2.9	2.7	3.2	7.5	3.0
1985	3.2	3.6	2.8	3.2	3.3	2.8	2.9	9.3	2.6
1986	3.2	3.4	2.7	3.1	3.4	2.6	3.3	9.4	2.4
1987	3.0	3.1	2.8	2.8	3.1	2.4	2.8	10.9	2.7
1988	3.0	3.4	2.7	3.3	2.6	2.5	2.7	6.9	2.3
1989p	2.9	3.0	3.0	2.5	2.6	2.5	2.8	8.0	2.3

na—not available

Source: 1960-88 ABS; Cat No. 9401.0, and Cat No. 9303.0

1989 State and Territory Authorities and ABS Cat No. 9303.0

ROAD FATALITIES PER 100,000 POPULATION, BY STATE 1960–1989p

Year	Aust	NSW	Vic	Qld	SA	WA	Tas	NT	ACT
1960	25.4	25.5	26.6	23.1	24.8	27.6	22.7	99.9	19.1
1965	27.8	27.6	29.4	28.4	22.8	30.5	25.3	26.0	16.9
1970	30.4	28.9	30.8	30.0	30.1	35.4	30.4	53.3	23.6
1975	26.6	26.1	24.0	31.0	26.8	26.3	29.7	68.9	16.1
1980	22.3	25.2	16.8	24.6	20.7	23.1	23.6	53.3	13.4
1981	22.3	24.7	19.4	25.3	16.8	18.3	26.0	57.1	12.7
1982	21.4	23.6	17.8	24.8	20.3	17.6	22.3	46.0	11.2
1983	17.9	18.0	16.5	20.5	19.7	14.8	16.2	36.1	11.7
1984	18.1	19.2	16.1	20.0	17.1	15.8	19.0	35.2	15.1
1985	18.6	19.5	16.6	19.5	19.5	17.1	17.6	45.1	13.1
1986	17.9	18.6	16.1	18.3	20.8	15.6	20.4	46.0	12.4
1987	17.0	17.1	16.7	16.5	18.3	14.2	17.1	53.0	13.7
1988	17.4	18.3	16.2	19.7	15.8	14.9	16.7	32.1	11.7
1989p	16.7	16.7	17.9	15.1	15.5	15.3	17.7	39.1	12.2

Source: 1960-88 ABS Cat No. 9401.0 and ABS Cat No. 3201.0 1989

State and Territory Authorities and ABS Cat No. 3101.0

ROAD FATALITIES PER 100 MILLION VEHICLE KILOMETRES TRAVELED, BY STATE, 1976–1988

	Aust	NSW	Vic	Qld	SA	WA	Tas	NT	ACT
1976	3.6	3.7	3.4	3.9	3.2	3.2	3.9	7.9	2.3
1977	3.4	3.6	3.4	3.7	3.1	2.8	3.9	7.0	1.8
1978	3.4	3.8	3.0	3.7	2.9	3.2	3.6	9.8	1.8
1979	3.1	3.4	2.9	3.5	3.0	2.4	3.1	7.4	1.5
1980	2.8	3.3	2.2	2.9	2.6	2.5	3.1	7.8	1.8
1981	2.7	3.1	2.4	2.9	2.1	2.0	3.3	7.7	1.7
1982	2.6	2.9	2.2	2.8	2.5	1.9	2.7	5.9	1.5
1983	2.1	2.2	2.0	2.3	2.4	1.6	1.9	4.4	1.6

	Aust	NSW	Vic	Qld	SA	WA	Tas	NT	ACT
1984	2.1	2.3	1.8	2.2	2.0	1.6	2.2	4.1	2.0
1985	2.1	2.3	1.8	2.2	2.2	1.7	2.0	5.0	1.6
1986	2.0	2.1	1.7	2.0	2.4	1.6	2.3	5.8	1.6
1987	1.9	1.9	1.8	1.8	2.1	1.4	1.9	6.6	1.8
1988	1.9	2.0	1.7	2.1	1.7	1.5	1.9	4.1	1.5

Source: ABS Cat No. 9208, Surveys of Motor Vehicle Use 1976, 1982, 1985 and 1988.

Attachment II

SERIOUS INJURIES, AUSTRALIA, 1980 TO 1989 Serious Injury rates

Year	Serious Injuries	Per 10,000 Population	Per 10,000 Vehicles	Per 100 million VKT
80	32 054	218.1	42.3	27.5
81	32 126	215.2	40.6	26.4
82	30 654	202.0	36.7	24.2
83	28 080	185.1	32.7	21.4
84	28 794	184.8	32.6	21.2
85	29 280	185.5	32.1	20.9
86	29 169	182.1	31.4	20.1
87	29 698	182.6	31.7	19.9
88	29 705	179.5	31.1	19.3
89	28 480	169.2	29.0	18.0

Sources: ABS Cat No. 9405.0

ABS Cat No. 3201.0

ABS Cat No. 9303.0

ABS Survey of Motor vehicle Use, 1988

FORS

Attachment III

FATAL CRASHES RATES BY VEHICLE TYPE AUSTRALIA, 1988

	Fatal Crashes	Fatal Crashes per 100 million VKT	Fatal Crashes per 10,000 Registrations
Articulated Trucks	250	6.52	48.8
Buses	47	3.28	5.1
Motorcycles	323	16.79	10.0
All Vehicles	2559	1.66	2.7

Notes:

1. A Fatal crash of a particular vehicle type is a fatal crash involving at least one of that vehicle type.
2. Motorcycle crashes have been assumed to equal the number of Motorcycle rider and passenger fatalities.
3. Buses includes all bus types and types of bus/coach services.

VKT—Vehicle Kilometres travelled

Sources

ABS—Survey of Motor Vehicle Usage, 1988

ABS—CAT NO. 9303.0

FORS

ATTACHMENT IV

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE 1980

	(‘000)								
1980	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
Motor cars and Station Wagons	1953.5	1580.1	884.0	554.9	535.6	177.2	25.6	88.4	5799.3
Utilities	149.9	110.6	164.7	42.4	60.3	19.6	12.2	4.9	564.6
Panel Vans	134.2	55.4	60.3	24.8	49.0	10.7	2.9	3.5	340.8
Rigid Trucks	142.4	130.5	50.1	40.0	56.1	11.8	1.9	4.1	436.7
Articulated Truck	16.0	10.5	7.5	4.2	4.3	1.4	0.8	0.2	44.9
Other Trucks	10.5	10.1	3.5	5.1	5.8	2.0	0.2	0.3	37.5
Buses	13.4	9.1	5.2	3.6	4.5	2.0	0.5	0.8	39.1
Motorcycles	100.9	54.0	81.4	33.7	29.5	4.7	3.0	3.4	310.6
Total	2520.8	1960.3	1256.7	708.7	745.1	229.4	47.1	105.6	7573.5
Total Trucks	168.9	151.1	61.1	49.3	66.2	15.2	2.9	4.6	519.3
Total Motorcars	2237.6	1746.1	1109.0	622.1	644.9	207.5	40.7	96.8	6704.7

Source: ABS Cat No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE 1981

1981	('000)									
	NSW	Vic	Qld	SA	WA	TAS	NT	ACT	Aust	
Motor cars and Station Wagons	2020.0	1632.5	946.2	564.9	552.6	183.4	30.0	91.4	6021.0	
Utilities	154.5	113.9	178.4	43.1	61.0	20.2	13.5	5.0	589.6	
Panel Vans	145.6	57.0	68.2	26.2	52.0	10.8	3.7	3.6	367.1	
Rigid Trucks	150.2	136.8	53.4	41.3	59.2	12.0	1.8	4.3	459.0	
Articulated Truck	16.4	11.1	8.2	4.2	4.5	1.4	0.7	0.2	46.7	
Other Trucks	11.3	10.5	4.0	5.4	6.1	2.1	0.2	0.4	40.0	
Buses	14.6	9.9	5.9	3.6	4.8	2.0	0.3	0.9	42.0	
Motorcycles	114.4	64.2	91.3	36.7	33.0	5.4	3.5	3.9	352.4	
Total	2627.0	2035.9	1355.6	725.4	773.2	237.3	53.7	109.7	7917.8	
Total Trucks	177.9	158.4	65.6	50.9	69.8	15.5	2.7	4.9	545.7	
Total Motorcars	2320.1	1803.4	1192.8	634.2	665.6	214.4	47.2	100.0	6977.7	

Source: ABS Cat No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE

1982	('000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2114.6	1731.2	997.7	579.2	555.6	190.0	32.4	93.1	6293.8	
Utilities	164.8	122.0	190.3	44.1	63.6	21.1	14.9	4.9	625.7	
Panel Vans	165.7	59.4	76.5	28.3	53.7	11.6	4.1	3.8	403.1	
Rigid Trucks	161.7	149.5	56.6	42.9	64.1	12.4	1.8	3.9	492.9	
Articulated Truck	17.2	12.2	8.8	4.4	4.8	1.5	0.7	0.2	49.8	
Other Trucks	12.7	11.7	4.4	5.7	6.2	2.2	0.2	0.6	43.7	
Buses	16.1	11.5	6.7	3.6	5.1	2.0	0.3	0.9	46.2	
Motorcycles	131.4	74.3	98.4	36.6	36.1	5.8	3.8	4.4	390.8	
Total	2784.2	2171.8	1439.4	744.8	789.2	246.6	58.2	111.8	8346.0	
Total Trucks	191.6	173.4	69.8	53.0	75.1	16.1	2.7	4.7	586.4	
Total Motorcars	2445.1	1912.6	1264.5	651.6	672.9	222.7	51.4	101.8	7322.6	

Source: ABS Cat No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE

1983	('000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2142.6	1796.5	1037.5	593.3	576.9	191.0	34.6	97.2	6469.6	
Utilities	165.4	127.0	197.9	44.9	60.7	22.2	16.0	4.9	639.0	
Panel Vans	184.2	60.1	83.2	30.7	59.0	12.1	4.4	3.8	437.5	
Rigid Trucks	161.2	157.5	57.5	42.8	60.8	13.0	1.9	4.0	498.7	
Artic. Trucks	16.7	12.2	8.7	4.5	4.3	1.4	0.6	0.2	48.6	
Other Trucks	13.0	12.5	4.6	6.0	6.2	1.7	0.3	0.6	44.9	
Buses	17.0	12.2	7.7	3.7	5.4	2.1	0.4	1.0	49.5	
Motorcycles	135.6	79.6	99.0	37.8	35.9	5.8	3.8	4.6	402.1	
Total	2835.7	2257.6	1496.1	763.7	809.2	249.3	62.0	116.3	8589.9	
Total Trucks	190.9	182.2	70.8	53.3	71.3	16.1	2.8	4.8	592.2	
Total Motorcars	2492.2	1983.6	1318.6	668.9	696.6	225.3	55.0	105.9	7546.1	

Source: ABS Cat No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE

1984	('000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2168.8	1859.7	1066.0	613.9	592.5	195.0	36.7	103.5	6636.1	
Utilities	167.9	133.4	204.9	46.7	60.7	23.5	17.1	2.8	657.0	
Panel Vans	199.0	60.4	87.3	33.0	63.0	12.8	4.7	3.8	464.0	
Rigid Trucks	164.2	168.5	58.8	45.1	61.8	13.3	1.9	6.9	520.5	

1984	(‘000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Artic. Trucks	17.0	12.5	8.9	4.1	4.3	1.4	0.7	0.2	49.1	
Other Trucks	13.5	12.6	4.8	6.0	6.4	1.7	1.4	0.7	47.1	
Buses	25.9	12.9	8.7	3.6	5.6	2.1	0.5	1.1	60.4	
Motorcycles	134.6	81.7	94.0	37.7	35.8	6.1	4.0	4.7	398.6	
Total	2890.9	2341.7	1533.4	790.1	830.1	255.9	67.0	123.7	8832.8	
Total Trucks	194.7	193.6	72.5	55.2	72.5	16.4	4.0	7.8	616.7	
Total Motorcars	2535.7	2053.5	1358.2	693.6	716.2	231.3	58.5	110.1	7757.1	

Source: ABS Cat No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE 1985

	(‘000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2224.0	1936.8	1082.1	634.7	615.4	201.7	39.8	107.9	6842.4	
Utilities	175.8	137.8	209.9	49.1	63.0	25.5	18.0	6.1	685.2	
Panel Vans	209.5	59.0	87.2	35.1	67.5	13.9	5.0	4.8	482.0	
Rigid Trucks	170.4	181.1	59.1	46.7	65.9	16.4	2.0	3.2	544.8	
Artic. Trucks	17.5	13.0	9.0	4.1	4.7	..	0.8	0.1	49.2	
Other Trucks	14.1	13.0	5.0	6.3	7.6	0.6	1.2	0.7	48.5	
Buses	40.7	13.5	9.5	3.6	6.0	2.0	0.5	1.1	76.9	
Motorcycles	132.9	83.4	84.3	37.2	36.2	6.5	4.5	4.3	389.3	
Total	2984.9	2437.6	1546.1	816.8	866.3	266.6	71.8	128.2	9118.3	
Total Trucks	202.0	207.1	73.1	57.1	78.2	17.0	4.0	4.0	642.5	
Total Motorcars	2609.3	2133.6	1379.2	718.9	745.9	241.1	62.8	118.8	8009.6	

Source: ABS Cat. No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE 1986

	(‘000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2264.4	1972.9	1105.0	651.5	632.2	206.2	42.0	111.1	6985.3	
Utilities	181.0	139.2	214.6	50.9	63.9	26.8	18.6	6.4	701.4	
Panel Vans	217.2	56.0	87.3	35.9	68.4	14.2	5.1	4.9	489.0	
Rigid Trucks	173.2	187.0	58.1	47.3	67.4	17.2	2.1	3.3	555.6	
Artic. Trucks	17.4	13.3	9.1	4.7	4.7	..	0.9	0.2	50.3	
Other Trucks	14.7	12.9	5.2	6.0	7.9	0.6	1.7	0.7	49.7	
Buses	48.3	13.8	9.6	3.4	6.5	1.7	0.6	1.1	85.0	
Motorcycles	127.0	81.8	78.5	36.1	36.3	6.5	4.5	3.9	374.6	
Total	3043.2	2476.9	1567.4	835.8	887.3	273.2	75.5	131.6	9290.9	
Total Trucks	205.3	213.2	72.4	58.0	80.0	17.8	4.7	4.2	655.6	
Total Motorcars	2662.6	2168.1	1406.9	738.3	764.5	247.2	65.7	122.4	8175.7	

Source: ABS Cat. No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE 1987

	(‘000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2273.4	2010.2	1123.0	654.2	647.7	207.0	43.4	113.9	7072.8	
Utilities	181.2	142.8	216.8	51.2	64.9	27.7	18.5	6.5	709.6	
Panel Vans	216.7	57.4	86.7	35.3	68.7	14.0	5.0	4.9	488.7	
Rigid Trucks	172.6	193.1	54.5	47.2	69.3	17.5	2.1	3.5	559.8	
Artic. Trucks	16.6	13.7	9.2	4.3	4.8	..	1.0	0.2	49.8	
Other Trucks	15.0	13.6	5.5	6.9	8.3	0.6	2.3	0.7	52.9	
Buses	51.9	14.1	9.5	3.1	7.0	1.8	0.6	1.1	89.1	
Motorcycles	114.4	84.5	70.8	32.7	35.3	6.3	4.2	3.5	351.7	
Total	3041.8	2529.4	1576.0	834.9	906.0	274.9	77.1	134.3	9374.4	

	('000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Total Trucks	204.2	220.4	69.2	58.4	82.4	18.1	5.4	4.4	662.5	
Total Motorcars	2671.3	2210.4	1426.5	740.7	781.3	248.7	66.9	125.3	8271.1	

Source: ABS Cat. No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE 1988

	('000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2313.0	2064.7	1159.2	666.2	670.2	209.4	42.8	118.2	7243.7	
Utilities	183.0	145.4	220.7	52.5	66.8	28.4	17.3	6.6	720.7	
Panel Vans	218.0	51.5	86.9	35.2	69.1	13.8	4.8	5.0	484.3	
Rigid Trucks	176.4	201.7	55.2	47.5	73.2	16.5	1.9	3.7	576.1	
Artic. Trucks	16.1	13.8	9.8	3.7	5.0	1.5	1.1	0.2	51.2	
Other Trucks	14.7	13.7	6.7	7.0	8.7	0.6	0.3	0.7	52.4	
Buses	54.4	14.3	10.0	3.0	7.4	1.9	0.6	1.2	92.8	
Motorcycles	105.7	70.1	67.7	31.1	35.4	6.0	3.7	3.6	323.3	
Total	3081.3	2575.2	1616.2	846.2	935.8	278.1	72.5	139.2	9544.5	
Total Trucks	207.2	229.2	71.7	58.2	86.9	18.6	3.3	4.6	679.7	
Total Motorcars	2714.0	2261.6	1466.8	753.9	806.1	251.6	64.9	129.8	8448.7	

Source: ABS Cat. No. 9303.0

NUMBER OF MOTOR VEHICLES ON REGISTER, BY TYPE, AS AT 30 JUNE 1989

	('000)									
	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust	
Motor cars and Station Wagons	2371.8	2076.2	1222.3	680.3	708.3	213.5	45.8	124.0	7442.2	
Utilities	190.8	146.6	231.6	54.0	70.1	29.5	17.8	7.0	747.4	
Panel Vans	231.8	49.1	88.1	35.5	70.8	14.0	4.8	5.2	499.3	
Rigid Trucks	186.3	206.5	56.7	47.9	78.6	18.7	2.1	3.9	600.7	
Artic. Trucks	16.7	13.1	10.2	4.4	5.3	..	1.3	0.4	51.4	
Other Trucks	15.1	11.7	7.6	7.2	9.0	0.6	0.3	0.7	52.2	
Buses	57.1	13.9	10.5	3.0	7.9	1.9	0.7	1.2	96.2	
Motorcycles	101.8	68.1	66.4	30.1	36.3	6.2	4.0	3.8	316.7	
Total	3171.4	2585.2	1693.4	862.4	986.3	284.4	76.8	146.2	9806.1	
Total Trucks	218.1	231.3	74.5	59.5	92.9	19.3	3.7	5	704.3	
Total Motorcars	2794.4	2271.9	1542	769.8	849.2	257	68.4	136.2	8688.9	

Source: ABS Cat. No. 9303.0

General Public Listing of Airlines (Question No. 345)

Mr Moore asked the Minister for Transport and Communications, upon notice, on 17 October 1990:

- (1) Has his attention been drawn to a statement by the Prime Minister at a press conference on 24 September 1990 that in selling 49 per cent of Qantas, and allowing some employee involvement, the opportunities for general public listing would be limited.
- (2) Has his attention also been drawn to the fact that when the New Zealand Government privatised Air New Zealand, 25 per cent of the airline was offered to the general public allowing 34 239 New Zealanders, 20 per cent of whom had never owned shares before, to

buy 62 million shares and a further 5 per cent to employees.

- (3) In view of the strong public demand for airline shares experienced in New Zealand, why is only 49 per cent of Qantas being offered for sale.

Mr Beazley—The answer to the honourable member's question is as follows:

- (1) I am aware of the Prime Minister's press conference statement of 24 September 1990 in regard to Qantas. In fact, the news conference referred to was called jointly by the Prime Minister and myself.

The final arrangements for the selling of equity in Qantas have yet to be determined.

In determining the final equity arrangements the Government will need to take account of the benefits that can be realised from the formation or consolidation of commercial alliances with other airlines, via strategic investments, the benefits that can be obtained from employee share ownership, as well as from purchases of shares in Qantas by the general public. Every effort will be made, taking account of the balance of interests, to allow for equity participation by the public.

- (2) I am aware of the share distribution in the Air New Zealand privatisation. In the sale of 100 per cent of Air New Zealand, three major international carriers, Qantas, Japan Airlines and American Airlines all obtained a strategic interest.
- (3) The Government is not following a policy of privatisation for privatisations sake. The decisions taken to sell certain Government Business Enterprises were made on a case by case basis, taking into account the particular circumstances relevant to each enterprise.

The Government's decision to sell 49 per cent of Qantas will enable the airline to be re-capitalised, and will provide opportunities for the forging of strategic alliances whilst retaining majority Government ownership. A more competitive airline, offering improved services to the travelling public will be the result.

Investment in Telecom

(Question No. 348)

Mr Moore asked the Minister for Transport and Communications, upon notice, on 17 October 1990:

(1) Will he clarify the statement made by the Prime Minister at a joint press conference with him on 24 September 1990 that with respect to Telecom there would be major overseas involvement at the outset and that the Government would like to see as much Australian involvement as was consistent with the introduction of competition.

(2) Will Australians be given the opportunity to invest in Telecom.

Mr Beazley—The answer to the honourable member's question is as follows:

(1) The Government's priority in its telecommunications reform is to promote across-the-board competition between a second, privately owned licensed network operator and the merged Telecom/OTC. The Government is looking to maximise Australian participation in the industry, consistent with this broader objective. The Government has stated that in selling AUSSAT, it will ensure that there is a strong Australian par-

icipant in the ownership consortium guaranteeing, or leading to, majority Australian ownership.

(2) The merged carrier, Telecom/OTC, is to remain in full public ownership. All Australians therefore have an investment in Telecom.

Survey of Small Business

(Question No. 350)

Mr Prosser asked the Treasurer, upon notice, on 17 October 1990:

(1) How many surveys have been sent by the Australian Bureau of Statistics to small businesses since 1988.

(2) With respect to each of the surveys in part 1, (a) what was the subject, (b) what was done with the information collected and (c) what was the return rate.

Mr Keating—The answer to the honourable member's question is as follows:

(1) There is no agreed definition of 'small business' but, in whatever way the term is understood, the Australian Bureau of Statistics (ABS) has not conducted any surveys specifically directed to, and confined to, small business units since 1 January 1988.

With few exceptions the business collections undertaken by the ABS cover businesses of all sizes. However, in the case of a number of major collections such as the annual agricultural and manufacturing censuses, the smaller businesses are asked to provide only a limited amount of basic information.

As a further means of reducing respondent load on small businesses, the ABS uses sampling methodology. Where practicable, businesses are rotated out of the sample periodically.

(2) (a) Collections conducted by the ABS are listed in the ABS publication : Register of Commonwealth Statistical Collections (Catalogue No. 1114.0) issued periodically. The most recent issue (1989) was released on 5 December 1989.

(b) The results of ABS collections are made publicly available through printed publications, microform and electronic dissemination. In most cases, more detailed information is available for clients with more complex needs.

Information regarding printed publications and other standard dissemination products is published in the ABS Catalogue of Publications and Products (Catalogue No. 1101.1) issued annually.

An information service is available in ABS Central and State Offices for responding to inquiries for statistical information, including telephone inquiries.

- (c) The average (arithmetic mean) response rate for business collections in the period covered by the Question was approximately 98 per cent.

Public Housing

(Question No. 351)

Mr Prosser asked the Minister for Community Services and Health, upon notice, on 17 October 1990:

COMMONWEALTH FUNDS PROVIDED FOR RENTAL HOUSING (\$'000) (i)

	1987-88	1988-89	1989-90	1990-91
New South Wales	222,287	221,100	309,691	312,470
Victoria	161,172	159,105	226,598	225,902
Queensland	104,973	112,067	140,942	154,350
Western Australia	65,830	67,848	94,131	95,720
South Australia	66,410	63,825	101,599	92,958
Tasmania	19,654	23,774	49,214	41,196
Australian Capital Territory (ii)	10,281	10,275	17,510	17,262
Northern Territory	23,812	30,306	76,425	61,250
TOTAL (iii)	674,421	688,300	1,016,108	1,001,108

- (i) These funds have been provided to the States primarily through the Commonwealth/State Housing Agreement (CSHA). The totals for 1987-88 and 1988-89 exclude Commonwealth funds used for home purchase assistance; under the then CSHA, States could determine the allocation of funds to home purchase or rental. Within the totals shown for 1989-90 and 1990-91, States, under the 1989 CSHA, are able to use on average 12 per cent of funds for home purchase assistance. However, actual amounts used are not yet available. The amounts for all years exclude funds used for mortgage and private rent assistance.
- (ii) The ACT has been a signatory to the CSHA since 1989-90. For 1987-88 and 1988-89, Commonwealth funding for public housing was provided to the ACT on a basis comparable to CSHA arrangements.
- (iii) Rounding errors may occur.

No Commonwealth funding is specifically provided for the up-keep or maintenance of public housing. This cost is largely met through rent payments from public housing tenants. Where total recurrent costs for a State housing authority (including maintenance) exceed rental income, the 1989 CSHA allows States to use an amount of CSHA capital funding otherwise available to construct or purchase dwellings, to offset this loss. A similar arrangement applied under the 1984 CSHA.

Road Accidents

(Question No. 354)

Mr Hawker asked the Minister for Land Transport, upon notice, on 17 October 1990:

(1) What proportion of persons (a) killed and (b) seriously injured on (i) country roads and (ii) in total in each State and Territory in each year since 1987 came from (A) country and (B) metropolitan areas.

(2) What proportion of the population in each State and Territory live in (a) country and (b) metropolitan areas.

(3) What proportion of road fatalities occur within (a) 10 and (b) 5 kilometres from home.

What Commonwealth funding has been given to each State and Territory each year from 1987-88 for (a) public housing and (b) upkeep of public housing.

Mr Howe—The answer to the honourable member's question is as follows:

- (a) The table shows the funds provided for public rental housing:

COMMONWEALTH FUNDS PROVIDED FOR RENTAL HOUSING (\$'000) (i)

	1987-88	1988-89	1989-90	1990-91
New South Wales	222,287	221,100	309,691	312,470
Victoria	161,172	159,105	226,598	225,902
Queensland	104,973	112,067	140,942	154,350
Western Australia	65,830	67,848	94,131	95,720
South Australia	66,410	63,825	101,599	92,958
Tasmania	19,654	23,774	49,214	41,196
Australian Capital Territory (ii)	10,281	10,275	17,510	17,262
Northern Territory	23,812	30,306	76,425	61,250
TOTAL (iii)	674,421	688,300	1,016,108	1,001,108

(4) What proportion of road accidents are attributable to (a) driver error, (b) vehicle failure and (c) poor roads.

(5) What is the breakdown by cause, such as alcohol, speed, seat-belts and fatigue, of road accidents attributable to driver error.

(6) What proportion of drivers in each State and Territory undertake driver training after obtaining their licences.

(7) What is the relative safety on the basis of distance travelled of (a) cars, (b) buses, (c) trucks, (d) motorcycles, (e) commercial airlines, (f) charter airlines and (g) private airlines.

Mr Robert Brown—The answer to the honourable member's question is as follows:

- (1) (a) Data on the location crashes are as follows:

ROAD FATALITIES, AREA OF CRASH BY STATE, AUSTRALIA 1988

Area of crash	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
Urban									
Fatalities	438	338	144	88	91	16	4	28	1147
% of total	42	49	27	41	39	17	8	87	40
Rural									
Fatalities	597	356	399	127	141	54	47	4	1725
% of total	58	51	73	59	61	83	92	13	60

Note: Urban includes all towns with a population of over 50,000.

The above figures are taken from the Federal Office of Road Safety's 'Fatal File', a computerised database covering all road fatalities in Australia in 1988.

A breakdown of each of these figures by place of residence is not yet available, but in total, 81% of urban fatalities and 56% of rural fatalities occurred within 50 kilometres of the relevant drivers place of residence (Part 3 provides further details).

(b) There are currently no national data available on the area of residence of the seriously injured.

(2) Population data by area of residence, as defined by the Australian Bureau of Statistics, are available from the 1986 Census as follows:

URBAN—RURAL DISTRIBUTION OF POPULATION, AUSTRALIA, 1986

(percent)

Area	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
Urban	88	88	79	85	85	75	72	99	85
Rural	12	12	21	15	15	25	28	1	15

Source: ABS, Year Book Australia, 1990.

(3) Preliminary data, available from the Federal Office of Road Safety's 1988 Fatal File show that the distance from home, for all controllers of vehicles involved in fatal crashes was as follows:

(percent)

	Urban	Rural	Total
Up to 5 kilometres	37	20	27
6 to 10 kilometres	27	19	19
11 to 50 kilometres	27	25	25
51 to 100 kilometres	2	6	6
101 to 500 kilometres	2	12	12
501 or more kilometres	2	6	6
Unknown	3	6	6
Total	100	100	100

(4) In the collection of Fatal File data, judgements are made as to the major factors contributing to the crash, based on the examination of police reports and coroners' reports. Up to three major factors are coded for each crash, to allow for the non-exclusive nature of factors leading to road crashes. According to these judgements:

(a) Driver Error was one of the major factors in 87% of fatal crashes

(b) Vehicle Failure was one of the major factors in 3% of fatal crashes, and

(c) Road Environment was one of the major factors in 8% of fatal crashes.

Driver Error is taken to include Alcohol, Drugs, Speed, Fatigue, Dangerous Behaviour, Traffic Violations, Distractions and Ill Health.

Road Environment includes permanent and temporary features of the road surface, defects in the road surface, and obscured vision due to road alignment.

(5) According to the Fatal File, Driver Error can be broken down as follows:

Alcohol	25% of all fatal crashes
Speed	21% of all fatal crashes
Fatigue	7% of all fatal crashes
Dangerous driving	5% of all fatal crashes

Failure to wear a seatbelt is not considered to be the cause of a crash in itself. However, only 70 percent of vehicle occupants killed were known to be wearing a seatbelt, as opposed to general wearing rates, which are known to be at least 80 percent across the country.

(6) There are no national figures currently available on the numbers of drivers undertaking driver training after obtaining their licences.

(7) Crash rates for various modes within land and air transport are listed in Attachment I.

Attachment I

FATAL CRASH RATES BY MODE, AUSTRALIA

	Year	Fatal Crashes	Fatalities	Fatal Crashes per 100 million VKT	Fatalities per 100 million VKT
Buses	88	36	46	2.51	3.21
Articulated Trucks	88	268	332	6.99	8.66
Rigid Trucks	88	165	179	2.10	2.28
Motorcycles	88	307	325	15.96	16.89
Cars and derivatives	88	1709	1989	1.23	1.43
All Vehicles	88	2026	2336	1.32	1.52
Scheduled Airlines (Domestic)	78-87	0	0	0	0.00
General Aviation					
Charter	78-87	32	73	4.15	9.47
Private/Business	78-87	97	234	7.25	17.50

Notes:

1. A fatal crash of a particular vehicle type is a fatal crash involving at least one of that vehicle type and no pedestrians.
2. Buses includes all bus types and types of bus/coach services.
3. Rates for general aviation have been calculated from rates per hours flown by assuming an average speed of 250 kilometres per hour.
4. Figures for airlines are cumulative total for 10 years.

VKT Vehicle kilometres travelled

Sources

ABS—Survey of Motor Vehicle Usage, 1988

Federal Office of Road safety—Fatal File 1988

Survey of Accidents to Australian Civil Aircraft, BASI, 1987

Telecommunications

(Question No. 355)

Mr N. A. Brown asked the Minister for Transport and Communications, upon notice, on 18 October 1990:

(1) When will legislation be introduced to implement the Government's recent decisions on telecommunications.

(2) What will be the principal provisions of that legislation.

(3) Will the Government allow additional licences for cellular mobile telephone services; if so, how many.

(4) Will the Government adopt the recommendations of the Australian Telecommunications Authority concerning private telecommunications networks and the resale of leased telecommunications capacity.

(5) What arrangements will be made for the selection of the proposed competitor for Telecom and when will the competitor be chosen.

Mr Beazley—The answer to the honourable member's question is as follows:

(1) A Bill to amend the Aussat Act 1984 was introduced on 8 November 1990. Other legislation will be introduced as soon as practicable during 1991.

(2) The legislation is yet to be drafted. I refer the honourable member to my comments in the House of Representatives of 8 November 1990

for the Government's policy decision which will form the basis for the legislation.

(3) Yes. Licences will provide a choice of three cellular mobile telephone services for customers.

(4) I have directed Austel to implement its recommendations for liberalisation of the common interest group policy in the use of private networks. The Government has decided that all restrictions on resale of domestic and international telecommunications capacity currently contained in the Telecommunications Act 1989 will be removed. So as to enhance competitiveness, Austel will be asked to report on appropriate terms and conditions to apply to resale and the extent to which resellers should be permitted to establish their own switching capacity.

(5) The tender for the second telecommunications carrier will be conducted in conjunction with the sale of Aussat. The Minister for Finance and the Minister for Transport and Communications will be jointly responsible for the selection process for the second telecommunications carrier, including the sale of Aussat. This process is to be completed before 31 December 1991.

Sale of Aussat

(Question No. 356)

Mr N. A. Brown asked the Minister for Transport and Communications, upon notice, on 18 October 1990:

(1) When will the decision to sell Aussat be put into effect.

(2) What method will be used to implement the decision on the sale of Aussat.

(3) Will the purchase of Aussat carry with it any rights for the purchaser to engage in the provision of (a) telecommunications services or (b) PAY TV; if so, (i) what rights and (ii) how will those rights be expressed.

Mr Beazley—The answer to the honourable member's question is as follows:

(1) The sale of Aussat is to be completed before 31 December 1991.

(2) Aussat will be sold in conjunction with the tender for the licence for the second telecommunications carrier, with buyers required to meet specific terms and conditions.

(3)

(a) Yes. (i) the second carrier will be given full rights of access to all domestic and international telecommunications markets (ii) by licence condition.

(b) Yes. (i) in the event that the Government decides to lift the moratorium the party acquiring Aussat will be required to provide capacity for Pay-TV (ii) by licence condition.

Pathology Services

(Question No. 362)

Mr Prosser asked the Minister for Community Services and Health, upon notice, on 6 November 1990:

(1) Has his attention been drawn to the situation confronting Bunbury Pathology, a new business which has been financially disadvantaged by certain procedural matters involving the Health Insurance Commission.

(2) Is Bunbury Pathology and its administration competent and otherwise suitable to carry out the usual range of pathology services; if so, (a) why was approval for Medicare payments to Bunbury Pathology for its first three weeks of operation withheld and (b) will he make special provision for those payments to be made.

(3) When will he reply to my urgent facsimile message on this matter, dated August 1990.

Mr Howe—The answer to the honourable member's question is as follows:

(1) I am aware of difficulties experienced by Bunbury Pathology. I understand Bunbury Pathology commenced business late in July 1990. Discussions were held between the Health Insurance Commission and Bunbury Pathology in May 1990 on the requirements associated with the payment of Medicare benefits for pathology services. The Commission advised a requirement to apply to my Department for accreditation of the laboratory; the National Association of Testing Associations for inspection of the laboratory premises; and to the Commission for the accept-

ance of pathology undertakings. Applications for the acceptance of approved pathology authority and approved pathology practitioner undertakings were submitted to the Commission and were accepted with effect from 3 July and 6 July 1990 respectively.

In spite of the advice provided by the Commission, which included contact telephone numbers for laboratory accreditation enquiries, Bunbury Pathology failed to seek accreditation for their pathology laboratory until 23 August 1990. The Health Insurance Act 1973 provides that Medicare benefits are not payable if a laboratory is not accredited and information about this legislative requirement is included in Commission literature which accompanies approved pathology authority and approved pathology practitioner documentation. The application to my Department for accreditation of the laboratory was lodged on 23 August 1990 and approved from that date.

(2) (a) Approval was granted from the date of lodgment and was not withheld.

2 (b) The Health Insurance Act 1973 prevents backdating accreditation.

(3) A reply to the honourable member's correspondence was signed and mailed on 25 October 1990.

Health Service Staff Seminar

(Question No. 365)

Dr Bob Woods asked the Minister for Community Services and Health, upon notice, on 7 November 1990:

Was a three-day retreat for Australian Government health service staff held at Lorne, Vic., from 13 to 15 June 1990; if so, (a) what was the total cost of the retreat, (b) were all accommodation, meals, drinks and staff allowances paid for by the Government, (c) were only nine hours of the three days spent in seminars and (d) did a health service director describe the retreat in a memorandum to staff as not being a heavy course of lectures and exercises but "in other words fun for all".

Mr Howe—The answer to the honourable member's question is as follows:

Yes.

(a) \$16,076.75.

(b) The Department of Community Services and Health met accommodation and meal costs and staff received the normal incidentals allowance while away from home. Officers paid for their own drinks except for some associated with the evening meals. They also met any other costs which they incurred.

(c) The retreat commenced on the evening of 13 June and ended at 1.30 p.m. on 15 June. During that time, there were six scheduled ses-

sions of course work which were programmed to take nine hours. Some sessions went longer than scheduled.

(d) This wording was used in an internal document which went to a number of very junior clerical staff. It was felt necessary to put the training in a positive light in order that they approach it with confidence and enthusiasm.

Residential Development Code

(Question No. 371)

Mr Prosser asked the Minister representing the Minister for Industry, Technology and Commerce, upon notice, on 7 November 1990:

(1) How many local government councils have adopted the Australian Model Code for Residential Development.

(2) Are the remaining councils expected to adopt the Code in the near future.

(3) What is being done to encourage councils to adopt the Code.

Mr Crean—The Minister for Industry, Technology and Commerce has provided the following answer to the honourable member's question:

(1) The Australian Model Code for Residential Development was launched by Barry Jones in late August 1989.

It is currently being used as a key reference for the review of residential development regulations by 51 councils throughout Australia under the 1989/90 Triple-R Program. A further 40 to 50 councils are to be assisted under 1990/91 Triple-R Program with similar numbers expected in Year 3 (1991/92).

In addition to these councils:

- Ringwood Council in Victoria has already adopted a new code completely based on the Model Code.
- Albert Shire Council in Queensland has constructed a 5000 lot subdivision in Residential A Zoning completely in accordance with the Model Code.
- Queensland Government has provided advice to all its local governments on how they can adopt the Model Code.

(2) Councils throughout Australia are expected to adopt the Model Code over the next three to five years as:

- Triple-R Program funding is extended to enable councils to review their existing codes.
- State governments encourage and facilitate the adoption of the Model Code's structure and requirements into State legislature and practices.

— Queensland has sought permission to include all the Model Code's provisions into the Queensland Government Gazette so that local governments can adopt and adapt the Model Code to their local area.

— Victoria is to review its 1987 Residential Development Provisions in the light of the 1990 Edition 2 of the Model Code.

— Western Australia will review its R-codes to align with the Model Code.

— South Australia has been a leading State in co-sponsoring the review and adoption of the Model Code by its metropolitan councils.

— New South Wales, via the Triple-R Program, is encouraging local governments throughout the State to review their regulations in the light of the Model Code.

— Tasmania is supporting metropolitan councils in Hobart, Launceston and Northern Region to adopt the Model Code's provisions.

(3) Encouragement for councils to adopt the Model Code is being provided at a number of levels:

- The Commonwealth is funding and supporting the Triple-R Program of Assistance to Local Governments for the Review of Residential Development Regulations.
- State funding, cooperation and direction to its authorities and local governments through:
 - management and participation on the State Management Committees for the Triple-R Program
 - review of State regulations such as the Residential Development Provisions in Victoria and the R-codes in Western Australia.
- Industry and professional association support for councils to adopt the Model Code through:
 - active lobbying and participation on State Management Committees for the Triple-R Program by representatives of:
 - Housing Industry Association
 - Urban Development Institute of Australia
 - Master Builders Association
 - Royal Australian Planning Institute and Local Government Planners Association
 - Institution of Engineers, Australia and Local Government Engineers Association.

I will be launching Edition 2 of the Model Code at Robina, Albert Shire, Queensland on 14 December 1990 at a site where cost-effective residential development techniques approved by the Model Code for such things as road and drainage networks, public utilities and public open space can be demonstrated.

Imports from Singapore

(Question No. 377)

Mr Ferguson asked the Minister representing the Minister for Industry, Technology and Commerce, upon notice, on 7 November 1990:

(1) Does a five per cent tariff differential apply to imports from Singapore.

(2) Was a display of furniture produced by thirteen Singaporean manufacturers at the International Trade Development Centres in Sydney and Melbourne in early 1990 funded by the Australian International Development Assistance Bureau.

(3) Was a similar promotional display in 1988 funded by the Australian Government.

(4) Are imports from Singapore accorded preferential treatment; if so, why.

(5) What level of market penetration do Singaporean products exert in the areas of (a) ergonomic office chairs, (b) wooden knockdown bedroom and kitchen settings and (c) brass and glass lounge furniture.

Mr Crean—The Minister for Industry, Technology and Commerce has provided the following answer to the honourable member's question:

(1) Imports from Singapore would be eligible to enter at the Developing Country rate which is 5 percentage points lower than the general rate.

(2) Yes, in Melbourne on 15-17 May 1990 and in Sydney on 22-24 May 1990.

(3) Yes, in Sydney on 27-29 April 1988 and in Melbourne 4-6 May 1988.

(4) See answer to question 1.

(5) Detailed information on the level of market penetration for the Singaporean products nominated are not available from official statistics.

Naturalisation Certificates

(Question No. 389)

Mr Hollis asked the Minister for Immigration, Local Government and Ethnic Affairs, upon notice, on 8 November 1990:

How many certificates of naturalisation were conferred in (a) 1988 and (b) 1989 in each local government area in which more than 100 certificates were conferred.

Mr Hand—The answer to the honourable member's question is as follows:

The numbers of certificates of Australian citizenship conferred in these areas are:

(a) in 1988

New South Wales

Auburn	525	Liverpool	568
Bankstown	672	Marrickville	844
Baulkham Hills	422	Newcastle	186
Blacktown	787	Parramatta	623
Blue Mountains	119	Penrith	598
Botany	320	Randwick	553
Burwood	193	Rockdale	423
Campbelltown	393	South Sydney	371
Canterbury	831	Strathfield	132
Fairfield	2187	Sydney	204
Holroyd	265	Waverley	363
Hurstville	237	Wollongong	656
Kogarah	165	Woollahra	202
Lake Macquarie	198		

Victoria

Berwick	399	Knox	433
Box Hill	124	Lilydale	189
Broadmeadows	625	Malvern	107
Brunswick	269	Melbourne	603
Camberwell	167	Moorabbin	351
Caulfield	243	Northcote	242
Coburg	229	Nunawading	323
Collingwood	100	Oakleigh	363
Corio	141	Prahran	135
Cranbourne	176	Preston	239
Croydon	103	Richmond	325
Dandenong	618	Ringwood	141
Diamond Valley	110	Springvale	1118
Doncaster	325	St. Kilda	228
Essendon	178	Waverley	580
Fitzroy	140	Werribee	223
Frankston	254	Whittlesea	475
Heidelberg	165		

Queensland

Albert	374	Moreton	136
Caboolture	146	Mulgrave	186
Cairns	123	Pine Rivers	195
City Hall	2913	Redcliffe	150
Gold Coast	484	Redland	217
Ipswich	197	Toowoomba	112
Logan	508	Townsville	154
Maroochy	183		

Western Australia

Armadale	348	Mundaring	171
Bassendean	306	Nedlands	121
Bayswater	192	Perth	620
Canning	524	Rockingham	312
Cockburn	294	Roebourne	187
Fremantle	170	South Perth	223
Geraldton	105	Stirling	902
Gosnells	518	Subiaco	104
Kalamunda	331	Swan	283
Kwinana	113	Wanneroo	1315
Melville	554		

South Australia

Campbelltown	132	Noarlunga	402
Elizabeth	134	Port Adelaide	123
Enfield	212	Salisbury	517

Happy Valley	122	Tea Tree Gully	323	Heidelberg	224	Williamstown	142
Marion	297	West Torrens	126				
Mitcham	207	Woodville	170				
Munno Para	114					Queensland	
		Tasmania		Albert	634	Maroochy	300
Launceston	115			Beaudesert	101	Moreton	214
Darwin	519	Northern Territory		Caboolture	262	Mulgrave	196
(b) in 1989				Cairns	162	Noosa	106
		New South Wales		Caloundra	180	Pine Rivers	282
Ashfield	391	Liverpool	557	City Hall	3667	Redcliffe	291
Auburn	619	Manly	196	Gold Coast	704	Redland	307
Bankstown	416	Marrickville	942	Ipswich	255	Toowoomba	132
Baulkham Hills	688	Mosman	194	Logan	652	Townsville	203
Blacktown	1545	Newcastle	381				
Blue Mountains	285	North Sydney	428				
Botany	427	Parramatta	1019				
Burwood	170	Penrith	1095				
Campbelltown	788	Randwick	956				
Canterbury	1010	Rockdale	689				
Drummoyne	109	Ryde	946				
Fairfield	2645	Shellharbour	269				
Gosford	405	Shoalhaven	152				
Hastings	126	South Sydney	500				
Hawkesbury	196	Sutherland	647				
Holroyd	708	Tweed	150				
Hornsby	655	Warringah	961				
Hurstville	385	Waverley	611				
Kogarah	205	Willoughby	378				
Ku-Ring-Gai	681	Wollongong	905				
Lake Macquarie	354	Woollahra	377				
Lane Cove	185	Wyong	253				
Leichhardt	177						
		Victoria					
Altona	142	Keilor	485				
Berwick	584	Kew	165				
Box Hill	316	Knox	961				
Brighton	127	Lilydale	350				
Broadmeadows	993	Malvern	156				
Brunswick	326	Melbourne	585				
Camberwell	400	Moorabbin	653				
Caulfield	436	Mordialloc	138				
Chelsea	167	Mornington	200				
Coburg	245	Morwell	139				
Collingwood	219	Northcote	385				
Corio	174	Nunawading	496				
Cranbourne	409	Oakleigh	909				
Croydon	342	Prahran	309				
Dandenong	1019	Preston	540				
Diamond Valley	233	Richmond	432				
Doncaster	810	Ringwood	258				
Eltham	156	Sandringham	127				
Essendon	363	Sherbrooke	160				
Fitzroy	238	Springvale	1537				
Flinders	160	St Kilda	436				
Footscray	699	Sunshine	963				
Frankston	670	Waverley	1021				
Hastings	115	Werribee	247				
Hawthorn	119	Whittlesea	608				

Western Australia

Armadale	462	Melville	702
Bassendean	469	Mundaring	205
Bayswater	227	Nedlands	134
Bunbury	150	Perth	671
Canning	812	Port Hedland	122
Cockburn	371	Rockingham	388
Fremantle	225	Roebourne	199
Geraldton	105	South Perth	330
Gosnells	722	Stirling	1485
Kalamunda	437	Subiaco	130
Kwinana	173	Swan	383
Mandurah	144	Wanneroo	1838

South Australia

Burnside	149	Noarlunga	473
Campbelltown	192	Port Adelaide	221
Elizabeth	226	Salisbury	857
Enfield	400	Tea Tree Gully	497
Happy Valley	172	Unley	112
Marion	324	West Torrens	188
Mitcham	190	Whyalla	103
Munno Para	166	Woodville	330

Tasmania

Launceston 153

Northern Territory

Alice Springs 134 Darwin 626

Closure of Medicare Offices

(Question No. 398)

Dr Bob Woods asked the Minister for Community Services and Health, upon notice, on 12 November 1990:

(1) Has a decision been made to close the Medicare and Medibank Private offices in Leeton and Narrandera, NSW; if so, (a) is the nearest Medicare office in Griffith and (b) what are the benefits of the closures.

(2) Have the closures of 13 Medicare offices in city, suburban and regional areas been made or decided; if so, (a) have alternative agencies been offered and (b) what savings will result from the closures.

Mr Howe—The answer to the honourable member's question is as follows:

(1) Yes.

(a) Yes. However, the Commission is considering the introduction of a claims collection facility in Leeton and Narrandera to provide a fast path for the delivery of claims to a Commission processing centre for priority processing and payment of benefits.

(b) A projected saving of \$120,750 per annum.

(2) Yes.

(a) No. However, the close proximity of other branch offices was taken into consideration before any decision was made to close these offices.

(b) Savings of approximately \$1 million per year will result.

Medicare Benefits Schedule

(Question No. 399)

Dr Bob Woods asked the Minister for Community Services and Health, upon notice, on 12 November 1990:

Were the majority of medical practitioners in South Australia not advised of the changes to the fees and item numbers of the Medicare Benefits Schedule prior to their taking effect on 1 November 1990; if they were not, why not.

Mr Howe—The answer to the honourable member's question is as follows:

Many medical practitioners in South Australia, Victoria and Queensland did not receive advice of the Medicare Benefits Schedule changes prior to 1 November 1990. This was due to the failure of the printer to meet the delivery date of 19 October 1990 for distribution of the amendments, despite assurances to my Department by the printer that production was ahead of schedule.

Responsibility for the letting of contracts to the private sector relating to the production and distribution of publications such as the Medicare Benefits Schedule rests with the Australian Government Publishing Service (AGPS). My Department lodged "camera ready" copy of the 1 November amendments with AGPS on 12 September 1990, which was sufficient time to allow printing and distribution to medical practitioners in all States prior to the 1 November 1990 date of effect.

The performance of the printer in terms of his contractual obligations was completely unsatisfactory, and my Department has already advised AGPS that that particular printer will not be acceptable for future printing contracts associated with the Medicare Benefits Schedule.

Victorian Prostitutes Collective

(Question No. 402)

Dr Bob Woods asked the Minister for Community Services and Health, upon notice, on 12 November 1990:

Has a combined Commonwealth and Victorian Government grant of \$40,200 been made to the

Victorian Prostitutes Collective to employ a research worker; if so, (a) why, (b) what will be researched and (c) what will the results of the research be used for.

Mr Howe—The answer to the honourable member's question is as follows:

Under the HIV/AIDS Matched Funding Program, Commonwealth allocations are matched on a dollar-for-dollar basis by the States and Territories. States and Territories are required to expend these funds, which are used for a range of activities including education, prevention, research, treatment and care, in accordance with guidelines agreed between the Commonwealth and State Governments. The States and Territories have full responsibility for the allocation and administration of Matched Funds.

The Victorian Department of Health has advised me that, although Victoria does fund the Victorian Prostitutes Collective under the Matched Funding Program, the funding is not provided to employ a research worker.

ABC: Home Show

(Question No. 406)

Mr Ewen Cameron asked the Minister for Transport and Communications, upon notice, on 13 November 1990:

- (1) Is the ABC television program "The Home Show" subsidised by individuals or bodies who may gain commercial advantage from their involvement with the program; if so, (a) which individuals or bodies and (b) what sum does each contribute.
- (2) Did another ABC television program, "The Investigators" regularly highlight cases of shoddy dwelling construction before "The Home Show" commenced.
- (3) Has "The Investigators" dealt with any cases of shoddy dwelling construction since "The Home Show" commenced.
- (4) Did ABC Television in Sydney agree in a telephone conversation with the Chairperson of the Building Action Review Group (BARG) in Sydney to film BARG members displaying banners referring to BARG's Defective Homes Exhibition on 28 October 1990; if so, (a) was the venue to be outside the premises of the NSW Royal Commission into the Building Industry at Circular Quay, (b) did the ABC leave a message on the BARG answering machine on 25 October 1990 cancelling the filming arrangements and (c) given that the event was covered by all three commercial television channels in Sydney, why did the ABC cancel its coverage.
- (5) Did the ABC in its evening television news bulletin on 8 October 1990 make any reference in its coverage of proceedings before

- the NSW Royal Commission into the Building Industry to unconscionable building association contracts, a topic of the proceedings; if not, why not.
- (6) Do some of the contracts displayed at the beginning of "The Home Show" correspond with the unconscionable contracts referred to in part (5); if so, is the display of those contracts in the public interest.
- (7) Will he take steps to ensure that ABC television comprehensively draws to the attention of the viewing public shoddy dwelling construction.
- Mr Beazley**—The answer to the honourable member's question, based on information provided by the Australian Broadcasting Corporation, is as follows:
- (1) No. "The Home Show" is subsidised by the receipt by the co-production company Famous Artists International of funds from the Housing Industry Association and Law Foundation Productions Pty Ltd, the Production Company of the Law Foundation of NSW. Neither of these bodies would themselves gain commercial advantage from their association with the program. The Department of Industry, Technology and Commerce also provided funds and research material direct to the ABC.
- (2) Yes. "The Investigators" regularly highlighted cases of shoddy dwelling construction before the production of "The Home Show".
- (3) Yes. "The Investigators" has dealt with cases relating to the housing industry since the production of "The Home Show" commenced.
- (4) Yes. The Sydney edition of "The 7.30 Report" did agree to film a story prior to the Defective Homes Exhibition featuring the defective house of BARG—a private home with building defects. (a) No. No venue was agreed. (b) Yes. The meeting was cancelled. This occurred because of the unavailability within the ABC of camera crews and other editorial priorities. (c) The reason the event was not covered on the day was the different sense of news values held by ABC News and competing priorities on a particularly heavy news day at the national and international levels.
- (5) No. The News bulletin on 8 October did not refer to the practices mentioned. This was because too many other matters before the Royal Commission on its opening day were being mentioned in the News story. That night, ABC News was the only News service to report that BARG had been admitted as a party to the Royal Commission, and to show shots of its members gathered outside the building.
- (6) The ABC has no knowledge as to whether the contracts shown correspond with the "unconscionable contracts". The material was used purely for visual illustration and was supplied by the Housing Industry Association at the request of the ABC when seeking general pictures or documents relating to homes as a backdrop only.
- (7) The ABC is the major provider of independent consumer information television to Australian viewers and there are no plans for that role to diminish. Indeed, the creation of "The Home Show" represents a further commitment to consumer information programming. The ABC will continue to draw attention to shoddy housing construction in its information programs, both in responding to complaints and also by providing relevant and useful information of a non-controversial nature as appropriate.

Civil and Political Rights: Racial Discrimination

(Question No. 409)

Mr Hollis asked the Minister representing the Minister for Foreign Affairs and Trade, upon notice, on 13 November 1990:

Did his predecessor state in his answer to question No. 475 (*Hansard*, 3 November 1983, page 2360) that the Government was reviewing Australia's position with regard to the Optional Protocol to the International Covenant on Civil and Political Rights and the Article 14 procedures under the International Convention on the Elimination of all Forms of Racial Discrimination; if so, what progress has been made with the Government's review.

Dr Blewett—The Minister for Foreign Affairs and Trade has provided the following answer to the honourable member's question:

I am aware of the answer to question No. 475 of 1983, and confirm that the Government was at that time reviewing Australia's position with regard to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), as well as Article 14 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD).

Since that time, the United Nations has drafted and adopted a Second Optional Protocol to the ICCPR against the death penalty, to which Australia acceded on 2 October 1990. The Optional Protocol referred to in the answer to question No. 475 is now described as the First Optional Protocol.

Since 1983, the Australian Government has undertaken extensive consultations with the State and Territory Governments in relation to access-

sion to the First Optional Protocol, both individually and through the Standing Committee of Attorneys-General. The prospect of making a Declaration under Article 14 of CERD has also been the subject of such consultations.

The Australian Government remains committed to accession to the First Optional Protocol and to making a Declaration under Article 14 of CERD, and is hopeful that any remaining objections of States and Territories can be dealt with expeditiously.

Any further inquiries as to the consultative process should be directed to my colleague, the Attorney-General.

Australian Defence Force: Fruit Products (Question No. 411)

Mr John Scott asked the Minister for Defence Science and Personnel, upon notice, on 14 November 1990:

(1) Which companies supply the Australian Defence Force (ADF) with (a) citrus juices and concentrates, including orange, lemon, lime and grapefruit, (b) dried fruits, including apricots, apples, pears, raisins, sultanas and currants, (c) nuts, including almonds, walnuts and peanuts and (d) fresh fruit, including apples, pears, oranges, lemons, grapes, strawberries, cherries, pineapples and bananas.

(2) What percentage of the produce in each of the categories referred to in part (1) is (a) grown in Australia and (b) imported and from which countries.

(3) Are companies required to show a preference for local growers when tendering to supply food to the ADF; if not, why not.

(4) What percentage of canned fruit used by the ADF is of 100 percent Australian content.

(5) Is there a higher level of pesticide residues in imported fruit products than in locally grown products; if so, what measures are being undertaken to reduce this level in (a) imported and (b) locally grown fruit products.

Mr Bilney—The answer to the honourable member's question is as follows:

(1) Suppliers of Fruit and Nut Products

(a) Citrus Juices and Concentrates:

- Sunburst Regency Foods
- Berrivale Orchards
- Murrumbidgee Dairy Products
- Mildura Fruit Juices
- SPC Ltd
- G&M Bengatton
- K&S Welke
- L&K Judge
- G&D Simpson
- Teron Pty Ltd
- Cooloola Coast Milk Supply
- Cunningham's Milk Run
- Cheryl's Bake-n-Serve

- Star Wholesaler's
- Quenchy Crusta Sales
- R.M. Smith and Sons
- Petrose Enterprises
- Shoal Valley
- Golden Circle
- Master's Dairy
- Ganza Pty Ltd
- Queensland Independent Wholesalers
- Queensland Frozen Food Services
- The Bacon Family Trust
- D. Haralambidis
- Lakeside Distributors
- T.J. Clarke and Sons
- Burns Philp Food Services WA
- Independent Grocers Darwin
- Australian United Foods
- Sara and Cook
- Juicy Isle

(b) Dried Fruits

- R.M. Smith and Sons
- Epic Wright Heaton
- Lakeside Distributors
- T.J. Clarke and Sons
- Queensland Independent Wholesalers
- Queensland Frozen Food Services
- Star Wholesalers
- Shoal Valley
- Burns Philp Food Services WA
- Independent Grocers Darwin
- Sara and Cook
- Caterer's Market

(c) Nuts

- R.M. Smith and Sons
- Epic Wright Heaton
- Lakeside Distributors
- T.J. Clarke and Sons
- Queensland Independent Wholesalers
- Queensland Frozen Food Services
- Star Wholesalers
- Hong Australian
- Shoal Valley
- Trumps
- Mildura and South Australian Fruit Company
- Burns Philp Food Services WA
- Independent Grocers Darwin

(d) Fresh Fruit

- R.J. Goon and Sons
- Peter Mockler Produce
- Regional Wholesale Fruit Markets ACT
- Combined Direct Fruit Supply
- Bove and Lee
- S&J Fruit Supplies
- Border Markets Lavington
- Waynes Fruit and Vegetables
- Queenscliffe Fruit Supply
- Viva La Fruit
- Oakey Produce Market
- Sunshine Produce Rocklea
- Goldreef Fruit and Vegetables
- Sang and Company
- Sunshine Produce Rockhampton

Ipswich District Markets
 Vallianos Family Tully
 Lambert's Produce
 AMJ Produce
 Kollaras Group
 Merlino Fruit and Vegetable Wholesalers
 S.E.R. Pty Ltd
 Sumich Group Ltd
 McGowan, Winnellie
 A.E. Tully and Sons
 Forefruits
 Coutts Trading Pty Ltd

(2) Percentage of Fruit and Nut Products Sourced in Australia

The ADF procures most of its foodstuffs from local wholesale or retail outlets in the vicinity of unit/establishment locations. Records of Australian content are not maintained. However, based on current contracts, estimates of Australian content are given below.

(a) Citrus Juices and Concentrates

These products appear to be 100 percent Australian sourced.

(b) Dried Fruits

These products are procured from Australian commercial sources. None are specifically imported for the ADF, nor are records of the source of any imports maintained. However, small quantities of the following items are known to be imported from the countries shown:

- (1) Dates: Iran, Pakistan, Turkey.
- (2) Apricots: Turkey
- (3) Mixed Fruit: Iran
- (4) Sultanas: USA

Approximately 95 percent of dried fruit consumed by the ADF is estimated to be produced in Australia.

(c) Nuts

As with dried fruits, nuts are procured from Australian commercial sources and records of the source of any imports are not maintained. However, small quantities of the following items are known to be imported from the countries shown:

- (1) Walnuts: USA, China
- (2) Cashews: USA, China, India
- (3) Almonds: USA, Canada
- (4) Pistachio: USA.

Approximately 90 percent of nuts consumed by the ADF are produced in Australia.

(d) Fresh Fruit

Virtually 100 percent of fresh fruit consumed by the ADF is grown in Australia. When out of season in Australia, small quantities of strawberries, kiwifruit and lemons are imported from New Zealand and the USA.

(3) Preference for Australian Growers

At present, ADF tender and contract documentation do not require preference to be shown for local growers. Providing a company meets the ADF Food Specifications, it can be considered. However, the Government's preference policy for Australian and New Zealand goods and Services ensures that fullest consideration is given to local products.

In addition, companies tendering components for the Defence Ration Packing Programme are required to indicate the level of Australian content. Canned fruits are included in this programme.

(4) Australian Content—Canned Fruit

All canned fruit consumed by the ADF is procured from Australian commercial sources. Records of the percentage Australian content are not maintained. However, estimates based on current stocks show that the Australian content is approximately 95 percent.

(5) Pesticide Residues

The ADF does not undertake a programme of testing fresh foodstuffs for pesticide residues. Produce purchased in the market place must meet the normal regulatory standards, established and monitored by the relevant Government authorities.

The Department of Primary Industries and Energy (DPIE) is responsible for administering import inspection requirements and for the National Residue Survey Programme which is a monitoring programme for chemical residues in a wide range of agricultural food commodities. DPIE have provided the following advice:

DPIE does not have sufficient information to make a comparison between the levels of pesticide residues in imported and domestic fruit products. It should be recognised that residue testing is a very expensive business and the cost of testing for residues in all commodity and chemical combinations would be prohibitive. This means that the various commodity and chemical combinations are prioritised for inclusion in monitoring programmes.

Imported food inspection includes a programme for monitoring pesticides in what are considered to be high risk products. This programme is operated by the Australian Quarantine and Inspection Service. At present, the only monitoring proposed for residues in imported fruit is for captan in imported strawberries. Determination of high risk chemical and commodity combinations is undertaken by an expert committee. There are no proposals for increasing the current level of monitoring of pesticides in fruit in the immediate future.

The National Residue Survey does not currently include imported products. It has traditionally been an export based programme;

however, it is being expanded to include domestic production. As part of this expansion, consideration is being given to the inclusion of imported products. The National Residue Survey includes monitoring of pesticides in citrus fruits but does not include juices or concentrates. DPIE is unaware of any State or Territory programme specifically for monitoring residues of pesticides in fruit juices or concentrates.

A range of regulatory and educational measures is being undertaken by the States and Territories to reduce the presence of pesticide residues in locally produced products. It should be noted that legislative responsibility for use of pesticides in Australia is a State or Territory matter and that the Commonwealth government has strongly advocated measures to minimise residues in food through the various coordinating mechanisms available to it.

In the international context, the Australian Government strongly supports the acceptance of internationally agreed standards for pesticide residues. Australia participates in the development of the standards recommended by the Codex Alimentarius Commission. The monitoring of high risk products for chemical residues in the import inspection programme and the proposed inclusion of imported products in the National Residue Survey are other measures aimed at reducing the likelihood of pesticide residues in imported products.

Mr Nelson Mandela

(Question No. 412)

Mr Taylor asked the Prime Minister, upon notice, on 14 November 1990:

(1) Was Mr Mandela, Leader of the African National Congress (ANC), accorded head of state status during his recent visit to Australia; if not, what status was he accorded.

(2) Is the ANC (a) no more than a political party, (b) not the largest political party in South Africa and (c) affiliated with the South African Communist Party.

(3) Following the precedent set by Mr Mandela's visit, will other South African political leaders, including Mr de Klerk and Chief Buthelezi, be invited to Australia with similar status; if not, why not.

Mr Hawke—The answer to the honourable member's question is as follows:

(1) Mr Mandela and his party of 12 officials visited Australia as Guests of the Government. As Mr Mandela is not a head of state, he was not accorded protocol treatment reserved for a head of state e.g. a ceremonial welcome involving a guard of honour and a gun salute. Such provision was consistent with arrangements made by other countries visited by Mr Mandela.

(2) (a) In the Government's view the ANC is not merely a political party but is a major partner in the political process currently underway in South Africa. At the same time it has no right to contest elections and it has no formal status within the existing political structures in South Africa.

(b) Because it has not had the opportunity to test its popularity at an election, the full extent of ANC support is uncertain. The Government, however, regards the ANC as being foremost amongst black political movements in South Africa, although we have refrained from recognising it as the sole authentic representative of the black population.

(c) The ANC is part of a broad alliance which includes not only the South African Communist Party but also the United Democratic Front and the Council of South African Trade Unions. All of these organisations have a shared commitment to dismantling apartheid. However, I am advised that there are no formal links between the ANC and the South African Communist Party.

(3) The Government's program for visitors from South Africa is directed towards prominent and authentic representatives of the oppressed majority. The South African Government is already amply represented in Australia by the South African Embassy. The Government has never opposed a private visit to Australia by Chief Buthelezi, who works within the existing political structures in South Africa.

Commission on Human Rights

(Question No. 439)

Mr Hollis asked the Minister representing the Minister for Foreign Affairs and Trade, upon notice, on 4 December 1990:

At what level will Australia be represented at meetings of the Commission on Human Rights.

Dr Blewett—The Minister for Foreign Affairs and Trade has provided the following answer to the honourable member's question:

Australia will occupy a seat on the Commission on Human Rights (CHR) for a period of three years commencing in January 1991. The Australian Delegation to the CHR is normally led by our Permanent Representative to the United Nations in Geneva.

Membership of UNESCO

(Question No. 440)

Mr Hollis asked the Minister representing the Minister for Foreign Affairs and Trade, upon notice, on 4 December 1990:

Further to the answer to question No. 25 (*Hansard*, 21 August 1990, page 1208), has Australia raised the question of membership of UNESCO with (a) Brunei, (b) Solomon Islands and (c) Van-

uatu, as it has with the Federated States of Micronesia and the Republic of the Marshall Islands.

Dr Blewett—The Minister for Foreign Affairs and Trade has provided the following answer to the honourable member's question:

The question of membership of UNESCO was raised with the Solomon Islands and Vanuatu in 1990 and with Brunei in 1988. In the lead up to the 1991 UNESCO General Conference, Australia will be encouraging all countries in the Asia/Pacific region which are not members to consider joining UNESCO.

Middle East

(Question No. 444)

Mr John Scott asked the Minister representing the Minister for Foreign Affairs and Trade, upon notice, on 5 December 1990:

Further to the answer to question No. 52 (*Hansard*, 7 November 1990, page 3496) concerning the even-handedness of the Australian Government's policy towards the parties to the Arab-Israeli conflict, did the Government:

(a) unambiguously condemn the killing of at least 20 Palestinian demonstrators by Israeli security forces in Jerusalem on 8 October 1990; if not, why not;

(b) on 28 May 1990 support the emigration of Soviet Jews to Israel, which Israeli Prime Minister Shamir said, on 19 November 1990, should be to the "Land of Israel from the sea to the River Jordan"; if so, what action has the Government taken to press the Government of Israel to abide by UN General Assembly Resolution 194 (III) which affirms the right of Palestinian refugees to return to their homes; and,

(c) while taking swift action to oppose the Iraqi occupation of Kuwait, take similar action against Israel's occupation of the West Bank and Gaza Strip and its annexation of the Golan Heights and East Jerusalem in defiance of UN Security Council Resolution 242; if not, why not.

Dr Blewett—The Minister for Foreign Affairs and Trade has provided the following answer to the honourable member's question:

(a) In a statement issued on 9 October as acting Minister for Foreign Affairs and Trade, I deplored the deaths of some 20 Palestinians in East Jerusalem the previous day when Israeli security forces had fired on a large crowd of demonstrators. I acknowledged that the Israeli authorities had faced a very difficult situation, but I said the use of force on such a large scale appeared on the evidence available to be disproportionate. In my statement I said that the Israeli authorities must recognise the need for maximum

restraint as tragic incidents such as that which took place on 8 October can only increase the frustration and antagonism of the Palestinian population.

(b) The Government made no statement on the emigration of Soviet Jews to Israel on 28 May 1990. Mr Scott may be referring to Senator Evans' statement of 23 May in the Senate in response to a Question Without Notice in which Senator Evans said: "I would like to make it very clear that Australia wholeheartedly welcomes developments in the Soviet Union which have allowed Soviet Jews to emigrate. This is an issue on which Australia pressed the Soviet Union for several years".

Senator Evans added: "While nobody can have any possible objection to the emigration of such Soviet Jews to Israel, I, on behalf of the Australian Government, however share the concern expressed by a number of other countries that some of these new migrants have been allowed to settle in the Occupied Territories and that the Israeli Government is apparently willing to allow an increase in these numbers. It is obvious that continued movement into the Occupied Territories, including East Jerusalem, does not encourage Palestinians to pursue a negotiated path towards a dialogue with Israel. Again, I urge Israel and all other parties to the dispute to refrain from actions which might jeopardise the prospects of peace in the region."

Australia voted in favour of UN General Assembly Resolution 194 (III) of 1948, which resolved in paragraph 11 that refugees displaced in the 1948 Arab/Israeli War should be allowed to return to their homes. In relation to this issue I refer Mr Scott to an answer by Senator Evans to a Question Without Notice in the Senate on 21 May (tabled 25 May).

(c) Australia has opposed Israel's continuing occupation of the territories it occupied during the 1967 Arab/Israeli war. We support UN Security Council Resolution 242 calling for Israel's withdrawal from these territories. The circumstances of Israel's occupation of territory in 1967 were significantly different from the situation this year when Iraq invaded Kuwait. The Government rejects any linkage between the two issues.

Loan Council Borrowings

Mr Keating—On 13 November 1990 (*Hansard*, page 3828) the honourable member for Flinders (Mr Reith) asked me a question without notice concerning Loan Council global borrowing limits for Victoria. The answer to the honourable member's question is as follows:

Under established arrangements, the State Treasuries have responsibility for administering the global limits with regard to their own authorities. Operating leases do not count as bor-

rowings against the global borrowing limits set by Loan Council. In relation to the sale and lease-back arrangements referred to in the Victorian Auditor-General's report, the Victorian Treasury obtained opinions from leading accounting firms which indicated that the leases were operating

leases, not finance leases. Despite the Victorian Auditor-General's comments, I am advised that the Victorian Treasury remains firmly of the view that the arrangements are operating leases and do not, therefore, count as borrowings for Loan Council purposes.