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Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON PETITIONS

Reference: Petitions presented before 27 June 2008

MONDAY, 1 SEPTEMBER 2008

CANBERRA

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON PETITIONS

Monday, 1 September 2008

Members: Mrs Irwin (*Chair*), Mr Broadbent (*Deputy Chair*), Mr Adams, Mr Chester, Ms George, Mr Hawke, Mr Neumann, Mr Simpkins, Mr Craig Thomson and Ms Vamvakinou

Members in attendance: Mr Adams, Mr Broadbent, Mr Chester, Ms George, Mr Hawke, Mrs Irwin and Mr Craig Thomson

Terms of reference for the inquiry:

To inquire into and report on petitions presented before 27 June 2008.

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Committee met at 10.03 am

CHAIR (Mrs Irwin)—I declare open the inaugural public hearing of the new House of Representatives Standing Committee on Petitions and welcome everyone in attendance. As you will all no doubt be aware, at the beginning of this parliament significant changes were made to the way in which petitions are dealt with by the House of Representatives following on from the recommendations made by the House of Representatives Standing Committee on Procedure in the previous parliament. This new committee has been established to ensure that all petitions presented to the House are responded to. Positive feedback received by the committee to date suggests that these changes have been welcomed by all Australians. There are now greater involvement and linkages between the people and the House of Representatives. All petitions which comply with the rules of the House are being referred to ministers, and the rate of responses under the new system has far outweighed the record of the past 10 years. As can be seen from the program, the rate of ministerial responses received to date suggests that many ministers have been very diligent in meeting the 90-day framework time for responses as laid out in the standing orders, and I commend the way in which ministers have engaged in this new process. The responses have been informative and have provided valuable feedback to petitioners, even if the response may not always be what the petitioner might want.

Under the standing orders, the committee is able to examine matters relating to petitions as a way of complementing the ministerial response process. The committee has decided to conduct public hearings on issues raised in petitions. We intend to invite relevant departments to provide advice on issues raised by the petitioners so that petitioners of most, if not all, petitions are able to have the benefit of expert advice from the relevant department or departments. The committee also intends to conduct similar meetings in states and territories with principal petitioners as a way of ensuring that petitioners can truly make their voice heard. This morning we welcome representatives of the Department of Infrastructure, Transport, Regional Development and Local Government; the Department of Health and Ageing, the Department of Foreign Affairs and Trade, as well as Mr Chris Inglis, the first principal petitioner to speak with the committee since the new petitioning arrangements were introduced. The transcript of what is said today will be posted on the committee's website. If you would like further details about the meeting or the transcript, please ask any of the committee staff here at the hearing. The hearing is open to the public. Before I invite our first witnesses, are there any other members who would like to make a comment? No? That is fine.

[10.05 am]

**DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT
AND LOCAL GOVERNMENT**

**ANGLEY, Mr John, Executive Director, Local Government and Regional Development,
Department of Infrastructure, Transport, Regional Development and Local Government**

**CROMBIE, Mr Darren, General Manager, AusLink Policy and Queensland/Northern
Territory Roads Branch, Infrastructure Investment, Department of Infrastructure,
Transport, Regional Development and Local Government**

**GOSLING, Ms Karen, General Manager, Airports Branch, Aviation and Airports,
Department of Infrastructure, Transport, Regional Development and Local Government**

**WHITE, Ms Heather, Director, Queensland North and Northern Territory, Infrastructure
Investment, Department of Infrastructure, Transport, Regional Development and Local
Government**

CHAIR—Welcome. Although the committee does not require you to speak under oath, you should understand that this meeting is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Before we move to questions, I want to advise committee members that responses received to date from the minister and parliamentary secretary are due to be tabled this evening in the House of Representatives and that I have also written to the minister with regard to the outstanding response. Is it the wish of the committee that the responses received from the minister or the parliamentary secretary be authorised for publication? There being no objection, it is so ordered.

I will start off by asking the first question on one of the petitions that we have received to date—that is, regarding Port Keats Road in the Northern Territory. I notice that that was presented to the parliament on 17 March 2008, and to date we have not received a ministerial response to that. I was just wondering if you could give us any indication of when that response might be forthcoming. My second question on the Port Keats Road upgrade is: could you advise the committee on decision-making processes on road funding?

Mr Crombie—I actually have a copy here of the minister's signed letter to the chair in relation to Port Keats, dated 14 April, which I am happy to table. I cannot explain why you do not have a copy of that.

CHAIR—That will be fantastic. Thank you very much for that. That was a very quick response, so that was good.

Mr Broadbent—That is a magnificent response, Darren.

CHAIR—Yes, you must have known that that question was going to be asked! Thank you. My second question is: could you advise the committee on decision-making processes on road funding?

Mr Crombie—Specifically in relation to Port Keats?

CHAIR—Yes, if you could—and road funding in general.

Mr Crombie—Let me start with Port Keats. There have been two funding lines available to the Port Keats Road update. The first was a decision in 2006 under the Strategic Regional Program, where \$4.95 million was approved for funding of an upgrade to Port Keats Road. The Strategic Regional Program in 2006 was a competitive round of funding, which meant that applicants applied for funding, that was assessed and then the minister at the time made decisions about projects that were to be funded. The 2006 round, through which Port Keats got funding, was in that competitive round. The second line of funding which is seeing work done on the Port Keats Road was a \$10 million announcement under AusLink 2, or the national land transport investment strategy, which will see additional work done over the Daly River and the Moyle and Tommy Turners crossings. That is honouring one of the election commitments, which sees about \$52 million over four years going to the Northern Territory as part of a package of projects on community, beef and mining roads.

In relation to Port Keats, the synopsis is that the first was an application received—\$4.95 million approved—and the second was part of the election commitment announcements as part of the package to the Northern Territory. If we are talking about the next five years—2009-10 through to 2013-14—funding to AusLink itself is approximately \$22.3 billion in total. That is made up principally of the AusLink investment network, which is effectively the old national highway funding line. The election commitment is what has seen that funding allocated. In addition there is funding for local Roads to Recovery programs, the Black Spot Program and a few other election commitment announcements, which is effectively how the \$22.3 billion is being allocated.

Mr ADAMS—Our petition process is about helping communities and groups that petition the parliament to have a more focused understanding of where they are at with why they are petitioning and to receive information. The history of Port Keats Road, I do not know—I think the road goes to Wadeye.

Mr Crombie—Yes, that is correct.

Mr ADAMS—I do not know whether it has what would be judged as an economic imperative in mining, beef or tourism or whether it has a safety need or whatever, and how the department would look at it. I guess we would be thinking along the lines of how the department could move this community forward by giving them a history of the road, or how they would apply and fit in to seeking some sort of funding in the future.

Mr Crombie—The underlying principle of the AusLink network is about economic efficiency, safety and security outcomes. The objectives of AusLink are generally fairly high level. The funding approvals for the national network are really driven by those economic imperatives and freight movements and similar. The Strategic Regional Program was really

focused more on the development of communities where there was an underpinning environmental economic social benefit. I have only been as far as Daly River, which is at one end of that road. I have not actually been out to Port Keats. When you look at the work that is specifically being funded, it strikes me that a lot of it is actually about increasing the number of days per annum that it would be open. My understanding is that a lot of these Top End roads can be out of use because of flooding for anything up to six months of the year. Typically, where we are funding projects in the Top End, whether it be in the Cape or in the Northern Territory, they are targeted at areas where the flooding is most pronounced. For example, under the \$4.9 million package, there are a number of specific floodways being targeted between Palumpa and Daly River. These include Anopheles Creek, Chalanyi Creek, Wait a While Creek, Sandy Creek, Moyle River and Little Moyle Creek. They have also targeted dangerous sections of the road between Palumpa and Peppimenarti. Those have been widened and dangerous bends have been taken out.

The Northern Territory government is the one that makes the decisions about where the priority funding is put. So the Australian government provides the funding, but we act on advice from the Northern Territory about where the priorities are. Unfortunately, I probably have not answered your question very well. But, where possible, the targeting of investment is at trying to get an economic and social benefit, particularly in those areas where there are very long periods of time when the communities are cut off by road because of the flooding. The \$10 million under Auslink 2 is to put a high-level bridge over the Daly River, because, as you probably know, it goes under very badly, and to put a couple of other bridges on the Moyle River floodplain. So again, it is about trying to maximise the amount of time in the year that that road is open.

Mr ADAMS—Potentially a lot of bridges would need to be built—

Mr Crombie—And bridges are expensive.

Mr ADAMS—which would be a costly exercise. But you understood what I was talking about in the sense of trying to pass on information to the community that has petitioned the parliament.

Mr Crombie—Yes, and this is where I am a little confused, because the petition is very open-ended. We have already got about \$50 million in investment in there and there is only a limited pool of available resources to go around. So the Northern Territory's judgement in AusLink 2 was that that was where those resources were best put.

Mr ADAMS—But that community needs to know. That community may petition because that is what it thinks should be done. It may not have all the information to make the analytical assumptions that you or I can make or that we can make as a committee. I think what the committee would like to do is to pass as much information as possible from the process back to the community so that it can move on a bit from where it is at in its thinking. It may not understand that \$50 million has already been allocated.

Mr Crombie—I am not quite sure how to answer that other than to say that this may be a matter that we need to take up further with the Northern Territory government. They are the holders of the information in terms of why they decided to build those bridges. I am not quite sure how you would propose to have that information flow work.

CHAIR—Could you just take that on notice and get back to the committee. Mr Adams has a good point there. Another issue is the community consultation that the Northern Territory government might have done with the whole of the community regarding this.

Mr Crombie—Yes. Unfortunately, that is not something that I am familiar with.

Mr ADAMS—It is not your role.

Mr Crombie—Correct. So I am a little bit at a loss as to how to provide you with that answer, Mr Adams.

Mr ADAMS—I guess the letter needs to give information to that community that has petitioned. The role would be to give that community as much information as possible. Sure, the Northern Territory government has a role to play, but you need to point out to that community what the Commonwealth has done, out of the funding that is available, the reasons and any history that we may have that we can pass on to empower that community.

Mr Crombie—I have just asked for a copy of the letter to see what information has been provided. That may go part of the way to addressing that question. It does strike me that there is a potential for us to provide more information, if that is not adequate for the committee, to maybe fill in the gaps.

Mr BROADBENT—Heather, Darren, John and Karen: what information, what briefing, what direction have you been given to respond to this new Petitions Committee, having regard to what Mr Adams has just been through?

Mr Angley—We have been given no instructions.

Mr BROADBENT—Nothing?

Mr Angley—No.

Mr BROADBENT—So we are all flying by the seat of our pants in this new process.

Mr Angley—Yes.

Mr BROADBENT—That is where I thought we were at. I do agree with Dick that, where there is further information we could give, we should do so. What would be the normal process, from your point of view, to elicit more information? I am asking about the role now. Do you see your role as being to respond to the petitions with the information that you have and that is the end of it—which is reasonable—or do you see a role where further information can be provided that may be directed back to a state government?

Mr Angley—It really does depend on the petition itself. I have three on my list here and they are very different types of petitions. Some are complaints—fair enough—about decisions already made. But at a minimum they add to the awareness of everyone involved about what the local community thinks about a project—whether it is one that is coming or one that has already been decided.

Ms Gosling—If I could just add to what Mr Angley just said, in relation to the Moorabbin Airport petition, this is a matter that the minister has been closely involved with to date and has had dialogue with the parties on. So I think it does actually really depend on the petition and the background to the particular issue that is under consideration.

Mr Angley—Following up on Ms Gosling's point, the matters in two of the petitions I have, one relating to Golden Grove Football Club and one to funding for sporting facilities, have been concluded since the petitions were presented. They were presented one month before the deadline for that process. The wishes of both petitions have been met.

CHAIR—You have just mentioned Moorabbin golf course/airport. Is there anything you would like to add to that ministerial response? My second question is: can you let the committee know how state and federal issues are determined in these instances?

Ms Gosling—Sure. In terms of the first point on whether there is anything I would like to add, there probably is not in terms of the minister's response on 26 August. But some points to highlight from his response include the fact that the lease was negotiated by the council in 1998 and all parties have been aware that the lease was due to expire in 2008. In terms of the other aspect of the petition, whether there should be some sort of inquiry in relation to Moorabbin airport or others, the committee may be aware that the minister is actually in the process of developing a national aviation policy statement, and a green paper related to that statement will be out within coming weeks. That is scheduled for a white paper in mid-2009. So there is a public consultation process going on now about the future of aviation in airports generally and public submissions are being called for.

In terms of your question about the arrangements with the Commonwealth and the states and territories in relation to the airport, there are 22 leased airports federally owned, so they are on Commonwealth land. When they were privatised approximately 10 years ago, depending on the airport, it was done under the Airports Act 1996. The Commonwealth act actually retains the decision-making power for planning and development over those leased parcels of land for the Commonwealth government on the basis that they are critical national infrastructure in terms of the way the Australian economy and community works.

Having said that, however, within the Airports Act, for a master planning process for a major development plan, the airport lessee companies are required to consult with the states and territories and the local government agencies in relation to what is planned for the airport and to take into account their comments. It is quite a structured process of consultation. When a master plan for an airport or a major development proposal comes forward to the minister, the airport lessee company must demonstrate to the minister how they have taken into account the comments that they have received and to what extent their plans may be consistent with state and territory planning regimes. So there are some mechanisms, but this is one of the areas that the minister has flagged in the initial issues paper for the aviation policy statement that he released in April. This whole issue of airport development is one area of that aviation policy that is up for consideration.

Mr ADAMS—Is that in the reply?

Ms Gosling—In the reply—

CHAIR—Not fully in the reply. Some of it is—

Ms Gosling—Yes.

Mr ADAMS—So the process for airports, so they are not a burden to the taxpayer, is to help fund themselves, but for the development of the future need of the airport or expansion of the airport there is supposed to be consideration of the master plan?

Ms Gosling—That is right.

Mr ADAMS—And if the need is for a golf course, as in this case, that the community have used for 30 years, what opportunities do they have for providing input to that planning decision?

Ms Gosling—With both the 1999 and 2004 master plans for Moorabbin Airport, the land where the golf course is was flagged for commercial development, and so there have been consultation processes as far back as 1999 about the future plans for this parcel of land on the airport. The other point to draw out of the minister's response is that the airport has recently agreed to extend the lease for the golf course for another six months beyond November and, concurrently, bring forward their master-planning process to allow a longer period for public consultation, to enable a comprehensive consideration of these issues.

CHAIR—I noticed that in the minister's reply he stated that he is encouraging residents to make a submission when the draft master plan is released for public comment. What was the date on which you were expecting this master plan to be released?

Ms Gosling—To some extent that is an issue for Moorabbin Airport, in terms of when they are ready. But I think it is anticipated that it may be available in October.

CHAIR—At least residents will have the opportunity to make public comments. Are there any more questions on Moorabbin?

Ms GEORGE—In relation to airports where they exist but they do not have a lease on Commonwealth land—I am thinking of a regional airport in my electorate which is owned by the Shellharbour LGA—what authority does the federal government have, if any, over the use of that land? There is some debate going on in the local community about whether larger planes should fly in or whether it should be developed in a different way. Does the federal government have any authority in situations like that?

Ms Gosling—Not in terms of the land planning and development issues of that parcel of land. But, clearly, in terms of the operations of the airport, Commonwealth agencies such as CASA would have a role in terms of monitoring what is happening at the airport.

Mr CHESTER—Mr Angley, in relation to the Golden Grove Football Club petition, I noticed that you said there was a positive result and that that was progressing. I am not sure if you have carriage for this program, but my question is on the status of the replacement program for Regional Partnerships, the funding allocated to it, and that type of thing. People in my electorate are already starting to line up at my door to find out what the criteria may be. Is that something

you are aware of? There is probably going to be a bit of a backlog of applicants. What is the time frame of when that will come on-line?

Mr Angley—The Regional Partnerships program, as you would know, was closed to new applicants at the budget. The minister made an offer to 86 Regional Partnerships projects that we would call ‘approved but not contracted’ to seek to finalise their contracts by 31 July. Those two projects that were mentioned in these petitions were in that group. We are about to begin, soon, the implementation of the Better Regions program, which is the implementation of the government’s regional commitments. Also in the budget in May it was announced that the Regional and Local Community Infrastructure Program would begin from 1 July next year. That is being developed now and will go through the budget process beginning soon, to be announced and finalised in May. But that is due to begin on 1 July.

Mr CHESTER—Are you aware of the criteria, how it has been developed, what type of project can apply and the total budget allocation to it over the next couple of years?

Mr Angley—No, they have not been finalised, because there are a range of consultations going on at the moment.

Mr ADAMS—But these are policy decisions; they are not relevant to this committee, I believe.

Mr CHESTER—Sorry, Chair; in relation to the Golden Grove club I was interested in the way they have got ‘The petition has been successfully resolved,’ so I was just checking what the next criteria would be—when it would be released. I did not think it was policy; I just thought it was of interest to the petitioners, that is all.

CHAIR—Yes; fine.

Ms GEORGE—Isn’t there a House of Representatives committee that is looking at the guidelines?

Mr Angley—Yes. There are a couple different processes going on. There is a House of Representatives committee inquiry which has been touring the country and has probably had 15 or 20 roundtables in different parts of the country. They are meeting in Canberra in a couple of weeks time. There is also a second level of consultation that the minister has arranged, which is through the ACC network, now called Regional Development Australia, and they are talking to their local communities about ideas for their own communities and bringing them back to the minister.

Mr CHESTER—Thank you.

Mr BROADBENT—Ms Gosling, in the minister’s response he talks about the national aviation policy statement and the white paper which you mentioned before. Will that investigation go as far as to look at the appropriate siting of airports across Australia that we have some involvement in? And will it look at the suitability, with the progression of time, for the sites that they find themselves in after 100 years of aviation?

Ms Gosling—I am just trying to recall the issues paper. I am not sure if it is couched exactly in those terms, but certainly one of the issues that was flagged in the issues paper that was released in April was the connectivity between the federal leased airports and the regional airports and whether there needed to be more of an overarching framework for how airports generally were dealt with by the Commonwealth. I am not sure whether it was quite that specific but it is possible that that would be picked up.

Mr BROADBENT—Can you give me the history of the airports such as those raised by Ms George before? Did the Commonwealth own all of these regional airports?

Ms Gosling—It is not entirely within my area of expertise, but I will answer what I can. My understanding is that they were all initially owned by the Commonwealth government. I think at some time in the early nineties the Airports Local Ownership Program was developed by the Commonwealth government and at that stage apart from the leased airports the other regionals were offered to the councils. There was, I think, some funding at the time. It was done on the basis that the councils were probably better placed to manage this infrastructure at a local level.

Mr BROADBENT—I hope I am not getting too far off the track here, but my question is about airports. The airport at Caloundra, I think, is owned by the local council, out of the process you have just described. How is it that Moorabbin was always held and not taken over by a council or a state government? Do we have involvement in the Caloundra airport or not? There are some other regional airports that have put a lot of money into their own airports. I am just trying to think of one—it might have been in the area of Torquay or Hervey Bay—that more recently put a lot of money in and now they have huge development going on because the airport is there. I am talking about the planning issue here—and I am only talking about the planning issue—and whether there is any involvement by the federal government in the planning. I suggest to this committee that there is not.

Ms Gosling—As I indicated to Ms George a moment ago, in terms of those locally owned airports the federal government does not have a direct planning role other than in terms of the safety regulations and air services issues.

Mr HAWKE—I just want to talk about another issue in relation to the Ipswich Road and Goodna bypass. I do not know who would be best to address that.

Mr Crombie—Yes, me.

Mr HAWKE—In relation to this petition the petitioners made a certain set of claims about the planning quality of this particular proposal—the Goodna bypass. Then the minister has responded and said that the project would cease. My question relates to the fact that there is no addressing here of the specific criticism of the planning criteria in relation to the worthiness or otherwise of the Goodna bypass. Do you have any comments in relation to the Goodna bypass or whether it is a worthy project in terms of planning criteria—not in a political sense? The guys here are criticising the planning of it and whether it is a worthy project in terms of planning criteria.

Mr Crombie—Can I make a statement, and then the committee can determine whether it is a matter for me to address or not?

CHAIR—Sure.

Mr Crombie—The Australian government has committed to the full upgrade of the Ipswich Motorway from Dinmore to Rocklea. The government has already allocated approximately \$1 billion to upgrade the motorway between Goodna and Darra, which is along the existing alignment, and a further \$1.14 billion has been allocated to upgrade the motorway between Dinmore and Goodna, which is also along the current alignment.

Queensland minister Warren Pitt has now announced that work on Goodna bypass is ceasing. However, there are a range of activities that the Queensland government is continuing to undertake along that corridor preservation. But the decision to not proceed with the Goodna bypass and put funding into upgrading the existing alignment was done in the context of the election, and the petition, as I read it, was effectively calling for the ceasing of the Goodna bypass. That is the petition I have. I think the minister's response actually addresses the issues raised in the petition in terms of the future of the Goodna bypass, and that is now the commitment to upgrade along the route between Dinmore and Gailes.

Mr HAWKE—The criticism in the petition says it is a bad planning choice. That is not really addressed in the response from the minister. So my question is: are there planning criteria that you can enlighten us about that show which is a better alternative and which is not?

Mr Crombie—I do not think I can make a comment on that. I think that is a policy call for government. I am sorry.

Mr HAWKE—Fine.

Ms GEORGE—On roads funding—if no-one has any questions specifically on a petition—we talked about the allocations for AusLink 2. How does a road that is nominally classified as a state road get added? With what process can a state road become part of the AusLink network? And what process is available to extend the AusLink framework? For example, in my area it stops before it gets into the port of Port Kembla, which is going to be a major regional economic driver. We would like to see the AusLink program expanded to take transport in and out of the port and to also upgrade the Princes Highway, which is a state road, but currently neither project appears to be part of the AusLink forward estimates. In what way could that be changed?

Mr Crombie—Of the \$22.3 billion, approximately \$17 billion goes on the national land transport network. That is defined under the provisions of the AusLink act. To get funding approval for a project which the minister must approve under the national land transport framework, the road needs to be declared as part of the AusLink national network. That is done as a determination by the minister. That is then tabled as an instrument under the Legislative Instruments Act. I am not sure whether there is a disallowance provision on it or not. I cannot quite recall. I do not think it is a disallowable instrument—it is not disallowable. So the bureaucratic answer to your question is that, to get funding under the \$17 billion, it needs to be declared as part of the national network, and then the decisions on eligibility for funding would come into play under the act. That is effectively the answer to how you declare the network.

If I could talk about another port—maybe this will give a better context—in Darwin, the national network extends to the gate of the port and the determination is set to end effectively at

the gate. What happens inside the port is then a matter for the port corporation. I am not familiar enough with Port Kembla to know the geography of the ownership patterns, but in essence that is the way the determinations have generally worked: they are declared up to the port. Given one of AusLink's criteria is about economic efficiency and movement of goods, we have quite a number of these projects which have had declarations going to the port. Townsville port access is a recent one for which we are recommending a change to the network to—

Ms GEORGE—So the minister has the discretion to add to the projects?

Mr Crombie—Yes. Obviously we would then make it public, through the instrument process, that that is what the network looks like.

Ms GEORGE—Does it require the consent of the state government or can he do it without their consent?

Mr Crombie—I think the legal answer would be that it is the minister's decision.

Mr ADAMS—I think they try to fit into a strategic plan if the port is a driver for an economic future and things like that.

Mr Crombie—The other documents that guide a lot of that decision making are AusLink corridor strategies, of which there are 23. They try to give a 25-year horizon of where the investment priorities are and what the economic drivers are around that. Those were done with heavy consultation and they are, I think, a collectively agreed set of the outcomes to which everyone is aspiring. Those are probably the guiding documents that would be viewed. But, at the end of the day, it is the minister's decision on the determination.

Mr ADAMS—In relation to the petition we have received about the V8 Supercar racetrack in Townsville, I think there is a toing-and-froing of general, good politics of our great country.

Mr BROADBENT—Are you trying to rev it up?

Mr ADAMS—V8 Supercars are a part of life. I do not know where they are going to be with the future of fuel. Does the department have anything to add to the letter from the parliamentary secretary?

Mr Anglely—No. This project was an election commitment and will be addressed under the Better Regions project, and the arrangements for the Better Regions project will be announced soon.

Mr ADAMS—I see it has the support of the state, by way of substantial amounts of money?

Mr Anglely—Yes.

Mr ADAMS—The local council is also supporting it, so I would think it is just about a done deal.

Mr BROADBENT—Where the Commonwealth funds any project, do we have an input into the planning—for example, with the V8 Supercars there is an issue in the local community about taking up parkland and that sort of thing?

Mr Anglely—Yes.

Mr BROADBENT—Do we have any input such as a letter of suggestion from the minister or the department?

Mr Anglely—It varies a bit with each type of project but, when we negotiate the contract with the proponents for access to the Commonwealth funds, we would expect that the proponent, whether it be the Townsville City Council or whomever, will follow all the appropriate planning rules, both state and local, irrespective of whether it is an individual community club and/or a council they are sponsoring.

Mr BROADBENT—From our point of view—‘our’ being the federal government—do we have an officer who looks closely at whether a project that we are putting together may offend the Environment Protection and Biodiversity Conservation Act, where we would have further input?

Mr Anglely—Not specifically and certainly not automatically for all projects. But, if that were an issue with that particular project, it would certainly be discussed in drawing up the funding agreement, which is what we call the contract, with the proponent. And they would be expected to have addressed all the planning regulations, whether they be town planning regulations or environmental rules, for that project.

Ms Gosling—Chair, with your permission, I would like to table a joint statement from the City of Kingston and Moorabbin Airport, dated 7 August, in relation to the agreement they have reached about the extension of the golf course and future plans. It also mentions the council’s intention to pursue building a public golf course in the area.

CHAIR—Thank you.

Mr Crombie—Going right back to the discussion we had earlier about Port Keats Road, do I now take from your response that if the committee is not satisfied with the response from the minister then you would seek additional information? Is that how you expect the process will work?

CHAIR—That is correct. I thank witnesses from the department for their attendance and participation in today’s first meeting of the public hearing of the Petitions Committee. You might be invited back in 25 years time for our 25th anniversary!

Mr Anglely—Thank you.

[10.46 am]

DEPARTMENT OF HEALTH AND AGEING

LEARMONTH, Mr David, Deputy Secretary, Department of Health and Ageing

DELLAR, Mr Stephen, Acting First Assistant Secretary, Pharmaceutical Benefits Division, Department of Health and Ageing

HANCOCK, Ms Veronica, Assistant Secretary, Medical Indemnity and Dental Branch, Acute Care Division, Department of Health and Ageing

ROSEVEAR, Ms Allison, Assistant Secretary, Residential Program Management Branch, Ageing and Aged Care Division, Department of Health and Ageing

STUART, Mr Andrew, First Assistant Secretary, Ageing and Aged Care Division, Department of Health and Ageing

CHAIR—Although the committee does not require you to speak under oath, you should understand that this meeting is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Before we move to discussions, I need to advise members that some responses received to date from the minister are due to be tabled this evening. Is it the wish of the committee to authorise those responses for publication? There being no objection, it is so ordered.

The committee may wish to examine these petitions in three blocks: the PBS listing of Alimta, the Commonwealth dental scheme and the dental health program, and aged care. My first question relates to access to Alimta. Could you advise the committee on the extent of community consultation you undertook in this area and the department's view on the level of community involvement and on raising awareness and its role in effecting change?

Mr Dellar—The way in which a drug is listed under the Pharmaceutical Benefits Scheme relates to consideration by the Pharmaceutical Benefits Advisory Committee. The act actually requires that before any drug can be listed on the PBS there must be a positive recommendation from the committee. The committee itself had, at the time, no arrangements for community consultation in place and therefore the process was that the company would submit an application which would be considered in due course and eventually acted upon.

Mr HAWKE—Do you know how many applications were made for Alimta? Was it the first application?

Mr Dellar—The important point to make is that Alimta was already listed for non-small-cell lung cancer, so this was an application for extension. I cannot tell you offhand but can find out for you whether or not this was the first application for mesothelioma.

Ms GEORGE—In relation to the listing, it was my understanding that in some state jurisdictions Alimta was available to people suffering from mesothelioma under decisions of the dust diseases board. They had been receiving benefits from Alimta in some states but not at the federal level, so there had been some precedents set.

Mr Dellar—That would be my understanding as well. In a couple of states—in fact, in three or four states—access was being provided to Alimta through a state based scheme. The decision of the PBAC or the recommendation of the PBAC adds it onto the PBS, which means it is now available to anybody where a doctor prescribes it as being necessary.

Ms GEORGE—In the case of the listing, I am aware, as a member of parliament, of approaches that were made to my office and many others for support for a petition that was circulated. Do you have any idea how many people were involved in support of that petition? In cases like that, do the petitioners in that situation get a response from the minister or from the department?

Mr Dellar—There were petitions, but there were also significant correspondence from quite a few different people. People who wrote to the minister at the time would have received a response. In terms of the petition, the only information I have about the numbers is what was provided to me in relation to this committee.

CHAIR—Are there any other questions on that particular petition before we go onto another one? No. Then I would actually like to go to aged care in the Hunter and Central Coast. I know that the petitioners have got a number of concerns. They stated their request that the government take immediate action to address a chronic shortage of residential aged-care beds and Community Aged Care Packages in the Hunter and the Central Coast. I think you have the ministerial response in front of you. Do you want to add anything to that ministerial response? I would also like to know how a decision is made on what area is high care.

Mr Stuart—I have nothing to add formally to the minister's response. Can you repeat your question or clarify it?

CHAIR—Could you explain to the committee how a decision is made for a particular area—that they are high care. How do you come to that decision?

Mr Stuart—Do you mean for where additional places are required?

CHAIR—Yes.

Mr Stuart—Okay. We have a planning framework in place, which goes back quite a few years now, under which we count the number of people aged over 70 around Australia and then in each region. We compare that number in each area against a benchmark. We are currently aiming for 88 residential care places for every 1,000 people aged 70 or over. That helps us to direct the newly available places every year to the places with the greatest need.

Mr ADAMS—Do statistics show that some areas of Australia have more high-care than low-care needs? Have any of those statistics ever been put together?

Mr Stuart—Yes, absolutely.

Mr ADAMS—How does the Hunter compare and how do we balance those two differences?

Mr Stuart—High care is what used to be called nursing home level care. Low care is what used to be called hostel care, but they all take place pretty much in the same kinds of buildings and aged-care homes now. The planning framework looks at both high care and low care across regions, and then we allocate new places to where the need is greatest. The differences in need arise from a number of things. People aged over 70 are congregating in particular places, and there are some areas of fairly rapid growth. I think the Central Coast is certainly one of those. One of the issues in the Central Coast is that the population of older people there has been growing faster than our capacity to allocate places and then have those built. There is actually quite a lot of aged care in the pipeline—that we have already allocated—and is in the process of being constructed on the Central Coast. Allison, you've got that number somewhere there, don't you?

Ms Rosevear—I do. As of 30 June 2007, there were 433 allocated residential places that needed to be built, and we allocated another 270 in December, just before Christmas 2007.

Mr CRAIG THOMSON—I have some obvious interest in the Central Coast. There is a problem, though, isn't there, between the allocation of beds and when they actually come on line? Some beds, for example, are allocated but never actually eventuate.

Mr Stuart—That is quite rare. The number that would never eventuate is very small. That happens because providers sometimes take far too long to get places on line, then we let those lapse and re-allocate them, to someone else. Generally, over the last few years, we have been allocating places ahead of time. We take into account the development timetable so that the lags in development are actually taken into account at the time that we allocate them, to try to meet the ratios in each area.

Mr CRAIG THOMSON—What are the levels of occupation in the Central Coast and the Hunter at the moment?

Mr Stuart—Do you mean what proportion of all the places that are operational have people in them?

Mr CRAIG THOMSON—How full are they?

Ms Rosevear—In residential aged care in the Hunter, the occupancy rate is 96.7 per cent, so they are pretty full. This is as at December 2007. In the Central Coast, the occupancy was 91 per cent, which is a bit low, but they have had a number of new facilities opening, so they can drop a bit around that time.

Mr CRAIG THOMSON—With the change between high care and low care, with the move to less low care and more high care as people stay in the homes longer, there are some real funding implications of that, aren't there, because it is only the low-care homes that can charge a bond and raise capital from the residents themselves. That is the current state of affairs, isn't it?

Mr Stuart—Yes. In low care a bond can be charged; in high care an accommodation payment can be charged. In the package in March, which in fact was the previous government's package which the current government then carried through the parliament and has implemented, there were increases in resident accommodation charges over a four-year period. Those increases are also matched by increases in government accommodation payments for those who cannot afford to pay them. So at the moment we are on a pathway to a significant increase in resident payments in high care.

Mr CRAIG THOMSON—I understand that, but it is a real problem for the industry as you see the changing nature of the mix that is there and the way it has historically been funded. Certainly in low care there is more money that is accessible to the provider of an aged-care facility directly through the resident than there is in high care, even with the increase in funding that has occurred.

Mr Stuart—That is in significant part a result of the property boom rather than of government policy change.

Mr CRAIG THOMSON—I am not asking for the reason; I am just saying that that is a problem for the industry.

Mr Stuart—The increases in accommodation charges are the policy vehicle to address the shortfall of capital funding in high care.

Mr CRAIG THOMSON—I have one more question on this. You can have someone who changes, deteriorates and moves from low care to high care, and you have a whole separate regime for how the aged-care provider raises funding. That is a reasonably clumsy way of having a smooth integration between the two sectors, isn't it?

Mr Stuart—I am sorry; I do not completely understand.

Mr BROADBENT—Chair, I would boldly suggest on this that Mr Thomson may like to look at his own party's history with regard to this issue and the gathering storm that may accrue once we go into these rather cumbersome issues on this point. I do not think they are really questions to be laid out on this table at the moment.

Mr CRAIG THOMSON—That is fine. There is one other question that was in the petition that was not responded to, and that was about the red tape. Do you have some comments to make about the amount of red tape that the petitioners allege is there? The minister's answer did not address that particular question.

Mr Stuart—Yes, I do. The quality framework for aged care has been consistent now over a number of years, with some embellishments by Minister Elliott as she identified some issues and gaps on coming into office and seeing how it is operating. But the essential framework has been in place for over a decade. The issues in aged care are that we have relatively powerless older people going into aged care who are often not terribly well informed or able to easily discriminate about what is care quality. There is an imbalance of power and information, and older people need significant protection. So there are regulations about what level of funding older people can be required to pay, and there are also protections in place for accreditation and

spot checks and for quality of buildings. They have all been fairly consistent features of regulation in this area over a period now.

Mr ADAMS—We pointed out in the minister's answer that the regulations are there and that they are entitled to receive a copy of what the nursing home has to deliver. It is about empowering the people that have petitioned the parliament. That is where I am coming from. Maybe in the future we could get more of that into giving it back to the petitioners.

Mr Stuart—Sorry. It did not jump out at me that we did not completely answer the question, and I will take that on board for next time. Thank you.

Mr CHESTER—With regard to the population modelling for your forecasting future needs, are you comfortable with the modelling you have available to you now that you can forecast where you are going to be allocating beds in the future? Is it working well, in your view?

Mr Stuart—It is working pretty well. We have been doing this for some time and the department is not too bad at it. We use ABS data from the census and we have just recently got access to the new 2006 census data. That now has new regional breakdowns and we are just starting to pay attention to that. It is important that we get updated census data from time to time. We also have helpers with that. We have aged-care advisory committees, which are appointed in each state and territory, which are expert in aged care and which help advise the department on what kind of new aged-care services are required and where.

Mr CHESTER—Are clear trends coming out of the research that you are doing? Is it the coastal trend and that type of thing that you expected to see?

Mr Stuart—Yes, we have pretty good information on where there are sometimes comfortable levels of supply and where the deficits are against that formula; that is right. The government has announced a review of this process and that review is getting underway.

CHAIR—Is it getting underway, has it started or is it about to start?

Mr Stuart—It is about to start. There are two reviews in this area. One looks at the ratios, how they have been derived and how well they deal with population growth in particular areas, with some thought about increases in dementia and how we can plan for that. The other one is more about the nuts and bolts of how the department goes through the allocation process itself, based on that data.

Ms GEORGE—Just in terms of forward projections, there are two issues that I had previously raised with the minister: one is the relative paucity of community packages, particularly in my region, the Illawarra; and the other is the substantial difference between approved places and those that are operational. In some cases, in questions on notice, providers have been given approval and two or three years down the track have still not built the places. Could you comment about the community packages? Is the ratio still five—

Mr Stuart—The ratios were increased.

CHAIR—Is it 1 to 113, or 1 to 108—and five of those are community—

Mr Stuart—Allison, why don't you spell it out. The ratios went up not a year ago, I think.

Ms Rosevear—The target ratio to be reached by June 2011 is 113 places per person and, of those, 25 are places in the community, 21 are aged-care packages, and four I think are EACH-D.

Mr Stuart—So we reached the previous target ratio of 108 last year and the government then announced an increase to 113 with the expansion being in community care, up to 25 places per 1,000 older people. So we are consistently allocating a lot of community care.

Ms GEORGE—So the shortfall in my region hopefully will be addressed by the 25 goal?

Mr Stuart—Hopefully, but I think it would be fair to say that in this area demand is rising as more older people find out about the availability of community care and it is a constant race really between demand and provision.

Ms GEORGE—And the time delays to bring the approved into operational—

Mr Stuart—Community care places come on stream very quickly.

Ms GEORGE—No, the others.

Mr Stuart—Residential care places can take some time. As I said in answer to another question, we now plan in the delay so that we meet the ratios by actually allocating ahead of time.

Ms GEORGE—What is the time limit? If you give an aged-care provider approval to build and three years down the track there is no sign of the sod being turned, at what point do you withdraw the approval and let someone else have a go?

Mr Stuart—We do that very much on a case by case basis, and it depends on whether we think the provider has made a really earnest attempt to get them built or whether we think someone else having a go would be of benefit. So it depends on what the kinds of impediments are. Often there are planning considerations. Everybody wants aged care for mum in their suburb but nobody, apparently, wants aged care in their own backyard or next door. So there is a conundrum here about the planning issues, and that can be a source of major delay. If it is simply that the provider is having trouble getting their act together and getting plans drawn and finding money, we are much more likely to let those allocations lapse and then those places go back into the next round.

Ms GEORGE—So there is no time limit, like two or three years?

Mr Stuart—Our objective is for two years. Again, as part of the government's review, the government wants to look at getting places online more quickly, and it is also allocating the zero real interest loans with an objective of getting places out into the regional areas and getting those online more quickly than they otherwise would have been.

CHAIR—Getting good, qualified staff is an issue as well.

Mr Stuart—Yes. I think that staffing is one of the challenges that all aged-care providers face at the moment, in common with others in the health sector.

Mr BROADBENT—Finding community care providers is also an issue. You have mentioned the review. Does it take in the changes to the demographic make-up of the aged-care community over 70 years of age—the well-being and relative wealth and health of those who are over 70? You said you were very good at it before.

Mr Stuart—I think we are pretty good at it. The department has been honing its capacity in this area for some time.

Mr ADAMS—What does the Auditor-General say about that?

Mr Stuart—We have had several reports by the Auditor-General over the last few years, including one last year. Overall I think they have been a reasonable endorsement of the department's processes, but there are constant challenges. As you say, the population is changing. Older people are living longer and staying healthier longer. The average age of entry is now 82 or 83. More people want to stay at home for longer if they can, and the key issues that lead to people entering residential aged care now would be dementia and incontinence, which carers find very difficult to deal with. I do want to say that the issue of means is not one that we take into account. I think there is a bit of mythology about how well off older people are now and will be into the future as well.

Mr BROADBENT—In an area like Caloundra or that part of Queensland, where you talked about the movements of people, the over-70-year-olds would be wealthier and healthier in Caloundra than they would be in my electorate of Wonthaggi, where the over-70s would not be as wealthy or healthy. I have no complaints, Mr Stuart. I hope I did not cause that coughing, David, by saying I have no complaints. I believe our area of Gippsland is very well served by the policies of the department and it has given good operators very good consideration. Often there are providers who already have facilities built and who want to gain opportunities. I think we are way off the track here but I am very supportive of the department's approach to try and get some facilities into regional and country areas through their no-interest loans, or whatever they are called.

Mr HAWKE—In relation to the time taken by people constructing these facilities, are you saying that the key reason given that affects the variance in different areas is the local government area's ability to process planning applications and things like that?

Mr Stuart—Planning considerations are often a key source of delay. There are two parts to that story. One part is local complaints or objections that planning authorities have to take account of. Another part is that aged-care providers from time to time want to build in areas which are perhaps not necessarily the most suitable and then have to go through a process with the council. The relationship between aged-care providers and councils is where most of the time is often lost.

Mr HAWKE—Do you examine these things? Are there LGAs that are more receptive to these developments than others?

Mr Stuart—We have not done any particular analysis of that.

Mr ADAMS—Regarding nursing homes, what size would you be looking for when someone lodges an application or wants to add to—

Mr Stuart—We do not have a figure in mind in the department.

Mr CRAIG THOMSON—The Hogan report talked about 60 being an optimal size economically, I think—

Mr Stuart—The Hogan report also said that there were examples of homes ranging from very small to very large that could be viable. One of the key conclusions of Hogan was that size does matter but it is far from the only thing that matters.

CHAIR—Could we go to another petition that we have had tabled, and that is about the Commonwealth dental scheme and the Dental Health Program. We have a copy of the ministerial response in front of us. Does the department want to add anything to that ministerial response?

Ms GEORGE—A bill to introduce Labor's election commitments about dental health is still being debated, as I understand it, in the Senate. Is that right; is that the case? What is happening to the former scheme? When is the deadline for the former scheme, linked to chronic illness? What is the state of play for that?

Ms Hancock—It is not a bill as such. There was a motion of disallowance in the Senate on 19 June that prevented the minister's determination to close down the chronic disease dental items from taking effect. The effect of that motion is that the chronic disease dental scheme remains open. The government has indicated its intention to close that scheme at the first opportunity during these present sittings.

Ms GEORGE—For people who are still registering and going to a dentist under the chronic disease dental scheme, will their costs of up to \$4,000, or whatever it is, be covered? What do local members of parliament tell their constituents?

Ms Hancock—Claims under the chronic disease items continue to be paid, as the scheme remains open. However, the government has indicated its intention to close the scheme as soon as possible.

Mr HAWKE—There is no date for that yet, is there?

Ms Hancock—That is subject to the action taken in the Senate.

Mr HAWKE—The disallowance motion takes effect as soon as the Senate passes it?

Ms Hancock—The disallowance motion is currently in effect. What the Senate would need to do is, in effect, rescind that motion. That would then allow the minister to make the determination which would close the scheme. It is subject to the Senate's action.

Ms GEORGE—Is it hypothetically possible to have the chronic illness scheme coexisting with the new commitments that Labor has made, if that were the will of the Senate? Is that a feasible option?

Ms Hancock—The minister cannot close the scheme without a determination to do so. The determination is a disallowable instrument. That means that the Senate needs to agree.

Ms GEORGE—Is the minister saying that the new scheme will not be given effect until such time as the previous scheme is terminated?

Ms Hancock—The minister has made various statements concerning what the government's options may be.

Mr CHESTER—You may not have the information in front of you, but has there been a noticeable increase in activity in the existing scheme? Does there appear to be a rush because people believe the scheme is set to discontinue?

Ms Hancock—There is data for the month of July due to be released later today. The data which is presently publicly available goes to the end of June, and that shows an increase over the previous month.

Mr CHESTER—That is available later this afternoon, is it?

Ms Hancock—Yes, I believe so.

CHAIR—Would you like to add something, David?

Mr Learmonth—The committee asked before whether it was the first time that Alimta had been considered for mesothelioma in November last year. It was in fact the fourth; it had been considered on three prior occasions but not recommended on those.

CHAIR—I would like to thank the witnesses for their attendance today and their participation.

Proceedings suspended from 11.16 am to 11.26 am

INGLIS, Mr Christopher James, Private capacity

CHAIR—Welcome. Is there anything you would like to add about the capacity in which you appear today?

Mr Inglis—I am appearing before the committee to address the situation of the plight of child soldiers in Uganda, Sudan, Somalia and Algeria.

CHAIR—Although the committee does not require you to speak under oath, you should understand that this meeting is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Before we go any further, I have to advise members that the response to Chris' petition received from the minister is due to be tabled this evening and we have given Chris the opportunity to have a look at that response from the minister. Is it the wish of the committee to authorise responsible publication? There being no objection, it is so ordered. Chris, would you like to make an opening statement?

Mr Inglis—Thank you. Members of the standing committee, Madam Chair, I am but a simple storyteller who has been forced to rise up and introduce a story, a story that is incredibly hard to tell but even harder to hear. Twenty years ago the countries of Uganda and Sudan were plunged into a political and physical war that was led by rebel leader Joseph Kony. This war was aimed at achieving new governmental laws based around Kony's twisted versions of the biblical Ten Commandments. As the years progressed, Kony's supplies grew thinner and thinner and his men were being slaughtered daily. It was at this point that Kony introduced a new type of soldier, the type of soldier that we now only know as child soldiers. Children as young as seven are abducted and recruited as new, special troops for Kony's army. Taught to kill mercilessly, unquestioningly and brutally, Kony decided to use this new, youthful addition to his army to infiltrate schools and kidnap more children. When a child is abducted, they are taken to a place known as 'the bush'. When a child is taken to this bush, they are instantly taught to kill using everything and anything, and typically the first murders they are forced to commit are family members. This is so the child feels they have nowhere to go and would be forced to stay wherever Kony orders them to stay.

More than 30,000 children have been abducted and forced to live in unnecessary conditions and live a personal horror full of bloodshed, drugs, alcohol and under-age, unprotected sex. The question is: now that part of the story has been told and we are now fully aware of what is happening in these countries, are we going to continue to sit back and be relaxed about this whole issue or are we going to act and say that this monstrosity needs to end? I stand here and say that it needs to end. Do you believe that a privileged, powerful, peace-seeking country such as Australia should become involved in order to stop this manner of cruelty towards and neglect of innocent children? I can honestly say that I believe that Australia should do whatever it can to protect these children. I am only one person trying to rapidly spread the message about child soldiers. I am trying to stop this bloodshed by inspiring people with greater talents than me to get involved and act in whatever way they can to raise awareness of this cause. I will not stop until something is done and there is no more use of children to fight a pointless war.

The petition that you have received shows the determination and willingness to do something about this and the need to reintroduce our country's media to the topic of child soldiers. After all, the media shapes our minds and is capable of changing the entire world's opinion. Australia has always stood up for the little guy and it should be no different in this case. These are children who are calling for our assistance—children's voices which have been drowned out by the constant sounds of gunfire and other world issues.

In the mid-1900s the United Nations introduced the Declaration of the Rights of the Child, which was created to protect all children against all forms of cruelty. There are four principles that I would like to quickly point out to you. Principle 2 states:

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Principle 7 states that 'the child is entitled to receive education' in all degrees. Principle 8 states:

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9 states:

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

Hearing these principles, it seems that these children in Uganda and Sudan have been treated unequally and unfairly in all aspects. All the protection laws that were introduced to protect children from things like this ever happening have been pushed aside and abused by Kony. Kony is a warlord, a murderer and a criminal who should be removed from this world. I ask that this petition be taken seriously. This is our chance to help these children and give them a future which is so bright they will never need to see the darkness of the world again.

The continent of Africa now bears a close resemblance to the war-torn Europe of 1945. But, like Europe was fixed through the strength of friendships and through the determination and willingness to fix it, so shall Africa be fixed. We the petitioners therefore request that the Australian government cooperates in full to fight against this form of terrorism—terrorism pointed at the children of Uganda and Sudan. We request that the government do all it can to help subtract the children from Kony's war. We should use the media to inspire and motivate the people of Australia to want to stop this infuriating act against children.

CHAIR—Thank you very much, Chris, for your opening statement and your passion. Could you let the committee know how you collected the signatures for your petition.

Mr Inglis—I started when I was in year 10.

CHAIR—How old are you now?

Mr Inglis—I am turning 17 in December. We watched a movie called *Invisible children* about college students who went to Uganda and saw what was happening. They decided that they wanted to get the message out about what was happening and the fact that the world could change it. I was infuriated by the fact that this war has lasted as long as it has and that 30,000 children have been affected. So I met with my SRC and said, ‘What can we do?’ They said, ‘You can meet with our member of parliament,’ who is Annette Ellis. I met with her and she said that a petition was a great form of getting the message across. I spoke to my school, and every student in year 9 and year 10 signed it. The teachers signed it. I went to Erindale and owners of businesses signed it. I thought to myself: if they want a change then I will speak up.

CHAIR—Your voice is definitely being heard today. I congratulate you. You have only had a very short time to read the response from the minister. The Department of Foreign Affairs and Trade will be appearing before the committee after you. I am sure that members of the committee will be asking the department a few questions. What are your feelings about the minister’s response to your petition?

Mr Inglis—It is what I expected. It does talk about broadcasting the movie on television. I understand that that is of a different degree to what the minister can undertake. But I am pleased.

Mr HAWKE—Have you approached the television networks themselves about this? I think the minister is correct in that we do not want the government telling TV stations and the media what to put on. While we may agree with it sometimes, other times we are not going to agree with what they want us to say. I support the minister on that. You may want to take it directly to the networks and, certainly, you might have a newsworthy story in the fact that you have come here. I think it is a pretty compelling case you are putting together with your SRC story. Someone may be interested in running a story about it—and the fact that you have taken it to one of the first hearings of the new petitions committee. That may be something that a media outlet would be interested in.

Mr Inglis—All right.

Mr ADAMS—Congratulations on your work, and your petition.

Mr Inglis—Thank you.

Mr ADAMS—When you have discussed the United Nations conventions—like the ILO, or the protocol which I think the minister mentions, which our ambassador took up to the United Nations—with your student body, are they aware of those conventions and the role that the United Nations plays?

Mr Inglis—Very much so. For months I have been trying to meet with our representative, and they will not reply to any of my emails. But we know that the United Nations is doing all it can with all of these conventions in place. I have noticed that the public is quite unaware of these conventions. They are quite in the dark about quite a lot of things, and I think that if the youth were to stand up then there would be a voice, and it would be heard.

Mr ADAMS—You have done that, and thank you for doing it.

Mr CHESTER—I would like to add my congratulations too, Chris, for the work you have already done.

Mr Inglis—Thank you.

Mr CHESTER—I am just interested in whether you have used the internet at all in your work, and whether you see it as an opportunity for broadcasting the *Invisible Children*? I also have a more general question regarding the opportunity for e-petitions in the future. From your experience, do you see that your generation would be more interested in getting involved in this sort of thing electronically?

Mr Inglis—Without the internet I could not have all this information that I have. It was my No. 1 source. I just found that the books were not providing as much information as the internet could, so it was a major aid to me.

Mr ADAMS—Is the movie *Invisible Children* available online, that you are aware of?

Mr Inglis—Yes. If you go to the *Invisible Children* website you can watch a trailer, and you are able to purchase it. I searched Canberra, and there was only one place that I could find it, and they only had two copies left. That was Koorong Christian Bookshop in Fyshwick. That is not enough. I would sit down with all of you, and I would watch it. I am sure that it would touch you in such a way that you would be sitting in my position.

CHAIR—We will definitely get a copy of that. I do have to apologise—given the time, and that we have the Department of Foreign Affairs and Trade waiting here. You can stay, and I am sure that we will be asking the department a number of questions. Are there any other questions for Chris?

Mr ADAMS—I think you should write to Channel 9 and Channel 7 and ask them to go with your theme. Your theme is pretty strong.

CHAIR—Definitely.

Mr Inglis—Thank you.

CHAIR—Again—congratulations. I do want to thank you for coming before the committee today as a witness. It is the first meeting of the Standing Committee on Petitions in public hearing. You are the first principal petitioner that has come before the committee. I do not think that the member for Fowler will be in the chamber in 25 years time, but I am sure that when we celebrate our 25th anniversary you might be invited back as a part of history, so thank you very much. Keep that passion up.

Mr Inglis—Thank you very much.

[11.39 am]

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

FAULKNER, Ms Andrea, Assistant Secretary, Middle East and Africa Branch, Department of Foreign Affairs and Trade

MCCARTHY, Mr Adam, Assistant Secretary, International Legal Branch, Department of Foreign Affairs and Trade

ROBILLIARD, Mr Paul, Assistant Secretary, Afghanistan and Iraq Branch, Department of Foreign Affairs and Trade

STRAHAN, Dr Lachlan, Assistant Secretary, South and West Asia Branch, Department of Foreign Affairs and Trade

SULLIVAN, Mr John William, Assistant Secretary, Arms Control and Counter-Proliferation Branch, Department of Foreign Affairs and Trade

CHAIR—I now invite representatives from the Department of Foreign Affairs and Trade to the table. Although the committee does not require you to give evidence under oath, you should understand that this hearing is a formal proceeding of the parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Before we proceed to discussions, I just have to let members know that a response from the minister is due to be tabled this evening, and Chris Inglis, the previous witness, has a copy.

I think I will go straight to the first question. Chris Inglis told the committee he had concerns about child soldiers in Uganda, Sudan, Somalia and Algeria. Can the department provide any advice to members of the public who may wish to be involved in raising social awareness of such international issues?

Ms Faulkner—Sure. As an umbrella over my comments, I would say that, from Australia's perspective, working through the United Nations and associated international bodies is probably the most effective way of addressing this issue at this stage. There are a couple of different ways through international legal instruments. They are detailed in the minister's response, and Chris himself showed an awareness of those—not just in Australia itself signing up to those instruments but also in encouraging others to do so. Secondly, it can be done by making statements such as Ambassador Robert Hill did in February 2008—not just stating the Australian government and the Australian people's strong concerns about issues like this but offering some quite concrete and detailed suggestions about how the work could be improved. I do not know, Chris, whether you have got a copy of the ambassador's statement, but I can pass you one afterwards if you would be interested, and I have highlighted a few ideas that he put forward in that. A third way, and this is something Australia can do ourselves, is to use our development assistance program to support the work of international organisations and, in Australia's case, also address the issue of child soldiers, as the minister put in his letter, specifically in the Asia-

Pacific region. So there is not just one way of doing it; it is about trying to target our efforts in the most effective way.

CHAIR—In the minister's response, he stated:

In addition to the work being undertaken in Uganda, Australia also actively funds programs to counter the problem of child soldiers in the Asia-Pacific region. Current programs are active in the Philippines (through UNICEF), East Timor, and Nepal.

Could you give us a bit of a briefing on those current programs?

Ms Faulkner—I would like to but I do not have any further detail on those particular programs. I would be happy to go and get it and bring it back to you.

CHAIR—It is fine if you just want to take it on notice and get back to the committee.

Ms Faulkner—Sure.

Mr ADAMS—As the petitions committee we see ourselves as trying to empower the people who petition us. The minister's response gives quite a lot of detail, as well as the ambassador's reply, which I think is excellent for the petitioners. I am sure that Chris, who gave evidence to us, will make sure he circulates that on his website or whatever. I am interested in other areas. We talked about Bougainville; do we have any evidence that child soldiers were involved in that conflict, before peace there?

Ms Faulkner—I do not know the answer to that question, but I can get that for you in addition to what I undertook to provide before.

Mr ADAMS—Thanks.

Mr BROADBENT—In the process of petitioning the parliament—while I would not expect you would have had a briefing as to how you should respond to any particular petitions that come to your department and are then answered through the minister—we are not looking for an end response in regard to any petition that comes before you for response by the minister. We are looking to be part of the process of information gathering or spreading. Your department may play a stronger role, perhaps in communicating back through this committee on the concerns of constituents, such as Chris who came before us today, so we can enhance Australia's position not only locally, with the community, but internationally. Do you have any comments about that?

Ms Faulkner—We will act as requested.

CHAIR—Can I go to a petition that we have received on the Middle East—the Palestine-Israel conflict—and the response from the minister. What is the process within the department of preparing such a response? What section of the department would have prepared that response?

Ms Faulkner—That was my section, the Middle East and Africa branch.

CHAIR—Is there anything else you want to add to the minister's response on that particular petition?

Ms Faulkner—No, unless there are other questions.

CHAIR—The Bangladesh liberation war: I think we have a petition on that. Is there anything else you would like to add to that?

Dr Strahan—That is a question for me. I would just add that in addition to what we had in the letter from our minister, Bangladesh is headed for elections at the end of the year, in a return to democracy, so a lot of our focus has been very much on making sure that the plan which has been set down for holding those elections is adhered to. After the election it will be a time for the democratically elected government of Bangladesh to work through some of these questions, including this particular issue. So our focus has been very much on making sure that the democratic process runs its course over the next couple of months.

CHAIR—Australia will be sending observers to monitor those elections?

Dr Strahan—It is highly likely. We sent an observer mission to observe the Nepalese elections in April, and those elections went well. We now have a democratic government in Nepal. We are about to look at the option of sending a similar delegation to Bangladesh.

Mr ADAMS—There was a petition in relation to cluster mines et cetera. There is nothing in the reply from the minister about the production of these mines. Do we look at where they are produced around the world and at what companies produce them so that people can maybe petition the parliament about those companies and the capital that is involved in producing them?

Mr McCarthy—Certainly that is in my area, Mr Adams. I should say, by way of introduction, that there have been significant developments on the cluster munitions issue since the petition that you referred to and since the minister's response that you also referred to. The Dublin convention was concluded after a two-week diplomatic conference, with the text being adopted unanimously on 30 May. So we now have a convention text, if you like, that we are looking at implementing into Australian law.

On the question of actual producers, that is something that is addressed, to the extent that it can be, in the convention text, but realistically most of the major producing countries at this stage are remaining outside the Oslo process. For instance, the major producers at present are Russia and China; they are both remaining outside the Oslo process, at least for the while.

The United States, India, Pakistan and Israel are also significant producers of cluster munitions, although the US I think has ceased production over the last couple of years and now only has holdings, but they are going to remain outside the Oslo process. The potential for the Oslo process, in the first instance, to address production is going to be limited by those countries that remain outside. Obviously, the hope of the Oslo proponents is that long term, by establishing the norm against cluster munitions, they will work towards universal adherence. Realistically, that is going to take some time.

Mr HAWKE—I turn to a different issue, in relation to the response to the petition on Iraq. You may or may not be able to answer this question. It is more to do with the language and the issues raised in the petition itself than the actual issue. It is very difficult to ask you questions about issues in this committee. When a petitioner makes an assertion—like when they talk about the ‘unlawful’ invasion of Iraq and then go on to say several times that the invasion was unlawful—in framing the response do you provide advice to the minister about whether an invasion was considered to be lawful or unlawful, or does the minister dictate what he wants to respond or not respond to?

Mr Robilliard—The manner in which responses are framed will vary from case to case. In this particular instance, the response addressed the four particular issues which the petitioners called upon members and senators to address, and so the response was confined to those four particular items, which—

Mr HAWKE—So you ignore subjective kinds of things and sort of say—

Mr Robilliard—I would not consider that it would be a matter of ignoring them, but the response addressed the substantive issues which the petitioners raised in their petition.

Mr HAWKE—So in this particular response, the minister did not address whether the invasion was lawful or unlawful, so would there be—

Mr Robilliard—The response does not address that. On that particular issue I might refer you to the statement the Prime Minister made two or three months ago in the parliament which addressed some of those issues.

CHAIR—I know it has been a very brief time for questions that we have actually put to the department of foreign affairs today. I want to thank the department of foreign affairs. For every petition that we have received and has been referred to the minister for response, the response rate has been 100 per cent, so I congratulate the department. We look forward to you coming before the committee in the future on any other petitions that we might refer to you.

Mr Robilliard—As do we, Madam Chair.

CHAIR—Thank you for your participation today.

Mr BROADBENT—There is a matter I would like to raise, and that is the importance of the broader community’s interaction with this committee—with its chair, deputy chair and the office of petitions itself. It is very important that there is interaction, as we have seen today between an individual petitioner on behalf of many—in this case, his school and community. This is a national program whereby we are returning the compliment to the people by having their concerns come to this House and members and senators will address those issues. This is the whole process of what we are going through at the moment. Yes, the community is feeling its way with us and we are feeling our way with the community. At the same time, we are doing a lot of returning democracy to the people, whereby they are petitioning the parliament about their concerns. It is another avenue for them at this time to have access to you, Chair, and this committee so that the information that they have at a local level can be part of a petition that comes before the House and can be addressed by the House. So, Chair, I congratulate you on all

the work that you have done. Particularly, the work that the witnesses who have come before this petitions committee have done and all of the expertise that is brought together allow us to respond to the Australian people in an appropriate manner.

CHAIR—Thank you very much for that, Deputy Chair. It is a fundamental right of every Australian citizen to have their voice heard, and they can do this through the petitions committee. I am sure that the committee is looking forward to having other successful public hearings.

Resolved (on motion by **Mr Adams**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 11.55 am