



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON TREATIES

Reference: Treaties tabled on 17 June 1997

CANBERRA

Tuesday, 24 June 1997

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON TREATIES

Members:

Mr Taylor (Chairman)

Mr McClelland (Deputy Chairman)

Senator Abetz	Mr Adams
Senator Bourne	Mr Bartlett
Senator Coonan	Mr Laurie Ferguson
Senator Cooney	Mr Hardgrave
Senator Murphy	Mr Tony Smith
Senator Neal	Mr Truss
Senator O'Chee	Mr Tuckey

For inquiry into and report on:

Treaties tabled on 17 June 1997.

WITNESSES

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BIGGS, Mr Ian David Grainge, Executive Director, Treaties Secretariat, Department of Foreign Affairs and Trade, RG Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221	2
ENRIGHT, Mr Jim, Manager, Middle East, Indian Ocean Office, Australian Trade Commission, The RG Casey Building, Barton, Australian Capital Territory 2600	2
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Present

Mr Taylor (Chairman)

Senator Coonan

Senator Murphy

Mr Bartlett

Mr Laurie Ferguson

Mr McClelland

Mr Tony Smith

Mr Tuckey

Mr Truss

The committee met at 8.20 p.m.

Mr Taylor took the chair.

BALKIN, Dr Rosemary, Acting Assistant Secretary, Office of International Law, Attorney-General's Department, National Circuit, Barton 2600

BENNETT, Mr Bruce, Executive Officer, Middle East and North Africa Section, Department of Foreign Affairs and Trade, RG Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

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ENRIGHT, Mr Jim, Manager, Middle East, Indian Ocean Office, Australian Trade Commission, The RG Casey Building, Barton, Australian Capital Territory 2600

CHAIRMAN—Welcome. Just before I invite you to make any opening statements, I formally declare open this hearing into two treaties: the first being the Agreement on Economic, Trade and Technical Cooperation between the Government of Australia and the Government of the Republic of Lebanon, and the other an amendment to the Convention on the Elimination of all Forms of Discrimination against Women. I should point out that in last weekend's *Weekend Australian*, we advertised this inquiry and called for comments and submissions. We are still awaiting requests for additional information to see whether we get further contributions to these deliberations.

Today we will hear from the Department of Foreign Affairs and Trade, the Attorney-General's Department, Austrade, and the Office of the Status of Women. Would somebody like to make an opening statement, or are you happy to go straight to questions?

Mr Biggs—When Victoria Owen comes, she is planning to make an opening statement.

CHAIRMAN—We can come back to that anyhow. What about A-G's—no opening statement?

Dr Balkin—No.

Mr Enright—No.

CHAIRMAN—It is a bit back to front, but we will start with the questioning anyhow. One question that you would expect is: are there any similar agreements in place? If so, what are they? How do they vary from any standard agreements?

Mr Biggs—There are no significant variations on standard agreements with this one. The chief innovation with this agreement is that it includes trade in services, such as bulk services for tourism, obviously, and that is part of the general direction of Australian trade agreements now that we are attempting to cover.

Mr McCLELLAND—I notice that there is a provision for the terms of the treaty to continue to apply to contracts even after the cessation of the treaty. Is that to provide certainty in commercial relations?

Mr Biggs—Yes, it is. We cannot have one country or the other unilaterally terminate a treaty and then use that to overturn a contract. It is providing for the continuation of contracts entered into under the—

Mr McCLELLAND—You would leave the traders in either goods or services high and dry if that occurred, wouldn't you?

Mr Biggs—That is right.

Mr TUCKEY—The only question that I have got relates to the extent to which we consulted with interested bodies involved in trade with Lebanon. Did they have an involvement in the early stages of this agreement, as has that occurred with the states and territories?

Mr Biggs—Unless Austrade has something on that, I would have to leave that question for the geographical officers when they arrive.

Mr Enright—There are a number of Lebanese-Australian business associations in Australia. I do not believe that they were actually consulted in the drafting of the treaty—not to my knowledge in any case.

Mr TUCKEY—I note that there are opportunities in the construction industry, and things like that, but those people were not consulted. There was no consultation with them either.

Mr Enright—Not that I am aware of, but in terms of our ongoing involvement with the business associations, we do have ongoing and enduring links with the various business associations. We involve them in particular promotional activities and things like that.

Mr TUCKEY—Yes. I can understand that side of it. I think the interest that the committee has, which arose from a previous inquiry we had on a joint tax agreement, is that through consultation before the agreement is put together if any groups have experienced difficulties of a specific nature then there is a chance to include them in the treaty arrangements to ensure that their access is guaranteed and is not being held up by some special situation. I see that as the advantage. Obviously, once the treaty is in place, you can go out and say to people, ‘Here’s a great opportunity’ but if some have had contracts or attempted to get contracts, I think it is a good idea to know what they are up against.

Mr BARTLETT—What is the current trade balance between the two countries?

Mr Enright—Our exports to Lebanon are around about \$16 million. Our imports from Lebanon are about \$5 million. Whilst our exports are small, they have been growing very rapidly off a very low base. What we are looking at is the potential there, given that Lebanon is an import market of about \$7 billion annually. So there is enormous potential for growth across a range of areas.

CHAIRMAN—Where is the growth—in what aspects of trade?

Mr Enright—The growth across the particular areas to date has been in a wide range of manufactured products—all relatively low value, but there has been quite a large spread. There are also a number of commodities that go in, such as pulses, and live sheep as well.

Mr BARTLETT—Presumably, a most favoured nation arrangement would enhance those trade prospects.

Mr Enright—Yes, certainly. We are using this as a vehicle to boost our promotional efforts and to spread the word about Lebanon that there is a substantial market there and Australian companies need to pay more attention to it.

CHAIRMAN—Ms Owen, now that you have arrived, would you like to make an opening statement?

Ms Owen—Yes, thank you. The agreement with Lebanon was signed by the Deputy Prime Minister in Beirut in March this year with the Lebanese Minister for Trade, Yassine Jabber. The aim of the exercise is to improve trade with Lebanon. Currently, it is at a fairly low level; it is \$21 million both ways at the moment. The level of trade has increased significantly since we reopened the embassy in Beirut two years ago—it increased by 100 per cent the first year we were open and 25 per cent following that—but it is still, from our point of view, at a very low level. Australia has 0.2 per cent of the trade with Lebanon, but we think there is a lot of potential. The total level of exports into Lebanon is \$7 billion, and we should be getting more of that trade. The aim of the

exercise is to get Australia a better share of that trade.

In the past, most of our trade with Lebanon has been dominated by live animals but, increasingly, ETMs are featuring in the trade statistics, particularly computers and office machinery. The specific provisions of the agreement are to extend to Australian companies the same privileges enjoyed by Lebanon's other trading partners to ensure that Australian companies receive payment in convertible currency, to help participation in trade fairs both ways, to help set up joint ventures and joint companies, and to extend MFN status to services and service suppliers. The agreement also has provision for a joint trade committee, and we hope the first meeting of that committee will be held here in September-October this year.

CHAIRMAN—On that one, we did cover some of these with Mr Enright. How often will that joint committee meet?

Ms Owen—I do not think that is actually in the agreement. We would be looking at every year or so, depending on the kinds of things that need to be covered and any problems or challenges that need to be sorted out.

CHAIRMAN—And we would move from live exports into the manufacturing side?

Ms Owen—That is what we are looking to do increasingly. There is this huge program for reconstruction of Beirut and Lebanon following the end of the war. I think it is an \$18 billion program to rebuild the city. There are a lot of opportunities for Australian companies in that. We are hoping that they will be identified and facilitated by having the agreement.

Mr TONY SMITH—It speaks of an attractive base for investment in a range of industry sectors, including processing of Australian commodities. What commodities?

Mr Enright—Certainly pulses. A number of grains are going into Lebanon—faba beans, a type of lentil. That is one of the major areas. There are some dairy products going in there as well—cheese, butter and that type of product.

Mr TONY SMITH—Not pear and apple types of fruit?

Mr Enright—I do not believe any fresh fruit or processed fruit goes in there.

Mr LAURIE FERGUSON—When you were queried about the trade balance, I did not catch the actual amount of imports to Australia.

Mr Enright—Lebanese imports in 1996 were \$5.2 million.

Mr LAURIE FERGUSON—When we trace this growth of 25 per cent, and then 50 per cent from the reopening of the embassy, obviously it is \$7 million to \$16 million. Is it possible that there has been a parallel strong growth in the actual imports into Lebanon? It is really not that crash-hot. In the last few years, as you said, there has been major reconstruction. Do you know what the actual expansion of imports into Lebanon overall has been?

Mr Enright—Not in the last couple of years—only that it is very substantial. It is currently about \$7 billion. I would hazard a guess that a couple of years ago it would have been nothing like that. It would have been quite small.

Our efforts in Lebanon are not hampered, but the fact is that Lebanese entrepreneurs increasingly look to Europe and to the United States. They are their major trading partners. We have a job ahead of us to convince them to look at Australia, as we have to convince Australian industries to look at Lebanon.

Mr LAURIE FERGUSON—Do we have trade people at the Beirut Embassy?

Mr Enright—We have two locally engaged officers within the embassy who run the Austrade post.

Mr TUCKEY—I raised the question of consultation with industry sectors during the preparation of this treaty and was advised that there probably was very little, if any, consultation. In preparing these documents, there seems to be an advantage if anybody who has already attempted dealings with a foreign country is consulted. They might be able to point to special issues that should be addressed in the treaty. The query was: had that been done? The suggestion seemed to be that it had not.

Ms Owen—My understanding is that there is very little, if any, consultation. It is a very good point and one that we will take on board.

CHAIRMAN—It is something that we will continue to make, thankfully, limited comment on in our reports. We have had a couple of notable exceptions to that. It is important that, in the course of preparation of the NIA, any lobby groups—in this case, business associations here in Australia—are consulted to the maximum extent. Undoubtedly, we will make some comments about that in our report to the parliament.

Senator COONAN—I was interested in the association agreement between Lebanon and the European Union. Can you tell us what the status of that is?

Mr Bennett—As I understand it, the Europeans have proposed an association agreement. The Lebanese have begun to look at a possible agreement. At this stage there has not been very much progress in negotiating such an agreement. There are 12 countries involved in the process and it is on the list of those being negotiated with.

Senator COONAN—So is it not immediate in any way or not likely to be a reality in the foreseeable future?

Mr Bennett—I understand that the Europeans are hoping to complete the process by the end of 1998.

Senator COONAN—If it is concluded, which industry sectors is it thought that Australian commodities would be able to move into in regard to the agreement?

Mr Bennett—The agreement is between the Lebanese and the Europeans; it does not involve Australia at all. So in fact it will enhance access by the Lebanese to the European market.

Senator COONAN—The NIA says that the proposed association agreement between Lebanon and the European Union is likely to make Lebanon an attractive base for investment in a range of industry sectors, including the processing of Australian commodities.

Mr Bennett—Yes. The idea is that there will be opportunities for Australian companies to ship raw bulk commodities into Lebanon, have them processed, add value and then ship those products into the European market.

Senator COONAN—What are the Australian commodities that are being referred to?

Mr Bennett—From our current analysis, we consider items such as sugar, which could be made into confectionery, possibly some dairy products and maybe some metals and raw materials.

Mr TUCKEY—In that regard, with NAFTA, we are using Mexico for wool.

Senator COONAN—That is right. So that would give better opportunities for Australian export than just live animals and what is currently happening?

Mr Bennett—That is correct.

Senator MURPHY—Concerning the current imports going into Lebanon, what are they essentially made up of? Do you have any idea about what the make-up is?

Mr Enright—Their total imports?

Senator MURPHY—Yes, of the total \$7 billion, I think you said—what is that essentially made up of?

Mr Enright—There are substantial amounts of building and construction materials. That is where European suppliers have a definite advantage over us because there is a large freight content, I understand. But there is a very wide range of manufactured product: TCF goods, motor vehicles and so on. There are only 3.3 million people in Lebanon, but they have a GDP per capita of about \$US2,700, so they are relatively affluent, I think you could say. The Lebanese manufacturing base is currently quite small so they are a very large import market for a whole range of consumer products.

Senator MURPHY—I am interested in finding out, in terms of the building products, if you have any information about the breakdown of the type of building products they are importing?

Mr Enright—Not on hand, no.

Senator MURPHY—Is it possible to obtain?

Mr Enright—We could certainly—

Senator MURPHY—The reason I ask is, if we are about assisting our industries to get a bigger share, I would have thought we ought to know those things in terms of being able to say to manufacturers in Australia, ‘This is what they are buying lumps of and these are the prices that they are getting them out of Europe.’ I would think that there would be some areas that we would be very competitive in, if people were aware of them. So I would like some information on that.

CHAIRMAN—Will you take that on notice?

Ms Owen—Certainly.

Mr TUCKEY—Might I add that I think Australia’s biggest export still happens to be empty containers, meaning that the freight differential, with good negotiation, might not be as killing as you think.

Ms Owen—I have not been to Beirut for awhile, but I am told it looks like a building site. The whole place is just a huge building site and there is very little domestic capability to produce. So just about everything is required.

Senator MURPHY—I would still like that information.

CHAIRMAN—Yes, that would be helpful.

Senator MURPHY—In terms of the break-up of the imports currently going in, would your view be that that will taper off in time rather than maintain or grow in actual value? In saying that, I would like to then say, ‘Okay, you are looking to increase that’—I

think you said we have currently got about two per cent—

Ms Owen—It is 0.2 per cent.

Senator MURPHY—Okay. I think our current major items are computers, office machinery and live animals. What is the breakdown in terms of the \$16 million? Live animals would form the biggest part of that, wouldn't it?

Mr Enright—Not really. They were worth about \$1.3 million last year.

Senator MURPHY—Can you give us a look at the breakdown in terms of that as well?

Mr Enright—Sure. I think it is mainly live sheep, but I would certainly have to have a look at that.

CHAIRMAN—Again, take it on notice. Any other questions?

Mr LAURIE FERGUSON—Does Lebanon have particular trade restrictions or understandings with the Arab League or the Syrian influence in Lebanon? Is that a factor in their trade relations at all?

Ms Owen—Yes. You will see in the agreement that there are exceptions made for the arrangements with the Arab League. In relation to the Arab boycott, we put a side letter on the agreement to say that Australia does not recognise that aspect.

Mr LAURIE FERGUSON—But is there an overall trade understanding or special preference with regard to the Arab League?

Ms Owen—Yes; there are special arrangements with the Arab League.

Mr LAURIE FERGUSON—In the past week or so—and I did not get the full detail of it—there was a meeting of Islamic countries involving Indonesia, Malaysia, Turkey et cetera. Is Lebanon part of that?

Ms Owen—Of the D-8? No, it is not. Egypt is a member of that, but not Lebanon.

Mr LAURIE FERGUSON—And that is seen as developing into a trade bloc, is it not?

Ms Owen—I am not sure at the moment if that is its intention. I think that at the moment it is more political; but it may develop into a trade bloc.

Mr Bennett—I understand it is more that they are trying to do a reverse of the

G7: it is more an economic bloc than a trade bloc.

CHAIRMAN—In terms of continuing the contractual obligations after the situation where there is a termination of the agreement, is that a standard thing? Or is that just specifically for this bilateral?

Mr Biggs—That is standard.

CHAIRMAN—Thank you, Austrade.

[8.42 a.m.]

LITHGOW, Ms Shirley, Executive Officer, Human Rights and Indigenous Issues Section, Department of Foreign Affairs and Trade, Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

NAIRN, Ms Clare, Assistant Secretary, Office of the Status of Women, Department of the Prime Minister and Cabinet, 3-5 National Circuit, Barton, Australian Capital Territory 2600

STERN, Ms Robyn, Executive Officer, Human Rights and Social Law Unit, Department of Foreign Affairs and Trade, Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 0221

CHAIRMAN—Welcome. Do you want to make an opening statement?

Ms Nairn—Yes. This is a technical amendment of the Convention on the Elimination of all forms of Discrimination against Women. It provides that the committee shall normally meet annually, with the duration of the meetings to be determined by a meeting of states parties to the convention, subject to the approval of the General Assembly. The amendment would remove the existing two weeks limitation placed on the CEDAW committee's annual meeting to consider states parties reports. This limitation has led to considerable delays in the CEDAW committee's work program. For example, Australia's third periodic report was forwarded to the committee in 1993, but they have only commenced considering it this year and expect to finish considering it by the end of July this year.

The purpose of the amendment is to allow a more realistic time frame, so that timely consideration can be given to reports of all states parties. The proposed increase in CEDAW committee meeting times would more closely accord with the meeting times for other treaty bodies with comparable workloads and functions. For example, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have functions which are broadly comparable to the CEDAW committee.

The Committee on Economic, Social and Cultural Rights generally meets for two sessions of three weeks per year, and the Committee on the Rights of the Child generally meets for three sessions of three weeks per year. The proposed meeting time also introduces similar flexibility in determining what is the appropriate time to meet when compared to other treaty bodies.

The Committee on the Rights of the Child provides that the committee shall meet annually, with the duration of the meetings to be determined in a manner consistent with the CEDAW convention. The Economic and Social and Cultural Rights Convention provides that meeting times will be determined by rules of procedure. There will be no

additional obligation placed on Australia as a result of the amendment. The amendment does not require domestic implementation and there are no additional costs for Australia.

We have raised the amendment with the Scott committee and they have no objections. We have also raised it with states and territories and they have no objections. The United Nations General Assembly has given approval as an interim measure for the CEDAW committee to meet for an extended period in 1997 to address the problem of insufficient time for the CEDAW committee in the period before the amendment enters into force.

CHAIRMAN—Thank you. Ian, for the benefit of the committee, could you refresh our memories in terms of the amendment process? Some people have already said to me, ‘I didn’t think you could amend’ and what I have said is that you need to go back to states parties if they want to amend. Can you just go through the amendment process?

Mr Biggs—The amendment process for a multilateral convention such as this is that a conference of the parties will consider an amendment. It will then be adopted by that conference and it is up to the states parties to accept or accede to that amendment when a certain trigger is reached. It is usually two-thirds of the membership of the head treaty. That amendment then enters into force for—

CHAIRMAN—In relation to this particular one, which states were the driving forces in the amendment? Was it Australia or which countries?

Ms Nairn—No, it was not Australia, in particular.

Ms Stern—I think the Nordic countries, primarily Finland, proposed the amendment to a meeting of the states parties, but it received, I believe, unanimous support at that meeting.

Mr BARTLETT—Did you say that Australia’s report had been submitted in 1993, and it still has not been—

Ms Nairn—Yes.

Mr BARTLETT—Why the delay?

Ms Nairn—It is the backlog. Because they were restricted by the two-week meeting time, they have got a backlog of reports, and there are many signatories to the convention. So as those reports build up, they just have not got around to addressing them.

Mr BARTLETT—Was that Australia’s first report?

Ms Nairn—No, it was the third report, in fact.

Mr BARTLETT—What sort of response did we get to the monitoring of the previous ones?

Ms Nairn—I think you would assess it as very favourable. The first one in particular was regarded as a model report to present to the committee. We have not had any feedback as yet on the third one. We are expecting some questions on notice from the committee next week and we will answer those when we appear before the committee.

Mr BARTLETT—Is there any in-country monitoring besides just reading the report?

Ms Nairn—OSW coordinates that in-country monitoring. In preparing the report, we go out to states and territory governments for their information on the convention and how they are implementing it and draw that together in a report. In preparing the information to appear before the committee next month, we have done that process again. We just will not be putting it together in a formal report.

CHAIRMAN—Mr Tuckey, do you have any questions?

Mr TUCKEY—No, I think the opening statement pretty well covered the situation.

Mr LAURIE FERGUSON—Is this kind of restriction peculiar to this organisation? It seems ridiculous to me that this whole process has to be entered into and that a group of people at a meeting cannot extend their gathering. Is this peculiar to the organisation? It might be two weeks and people might say it is a long time but, quite frankly, the alternative to this whole process just to alter this thing seems pretty preposterous.

Ms Stern—I think this one is unique in that the restriction on the meeting time is actually set out in the treaty and that is why it requires a formal amendment.

Mr LAURIE FERGUSON—Any particular reason for that originally?

Ms Stern—Going back to the late 1970s when the treaty was being negotiated, I imagine there might well have been a reason, but I do not know the answer to that question.

Mr TUCKEY—I would suggest in that period, and considering some of the signatories, they did not want it to be a junket for women, because you have got to take it in that perspective. The reality is that they would have had great difficulty in getting a lot of countries around the world to agree to it, and that would be the sort of restriction you would put on it in negotiation. Of course, time has moved on since then—thank goodness. You have got to realise what the attitude of many parts of the world was to women in the

1970s—and today.

Mr Biggs—If I could also just say that the United Nations secretariat, the staff who organise things such as the Centre for Human Rights, are under extreme financial pressure themselves, and so the central control from the Secretary-General downwards make a great effort to make sure meetings do not drag on and that procedures are tight.

Mr LAURIE FERGUSON—That is all very well, but if it is years behind in regard to considering reports et cetera, one would question the overall expenditure on the thing in the first place.

Mr TUCKEY—That is why we are fixing it.

Senator MURPHY—I was going to ask about the ‘fixing it’. It says in here about how the other comparable committees have two or three meetings a year. The amendment would appear to allow for the extension of a single meeting in time only, not for additional meetings.

Ms Stern—The existing convention provides for a period of not more than two weeks once a year for the committee to meet. The amendment will remove that from the treaty and allow a further meeting of states parties to decide on how much meeting time the committee should have and how often that should take place. That will not necessarily be immutable either.

A further meeting of states parties further down the track could say, ‘No, it does not need that much time’ or ‘It needs a bit more time.’ That will give it the flexibility it needs. Currently, it is set out in the treaty so it is legally binding—

Senator MURPHY—So it is two weeks once a year.

Ms Stern—That is right.

Senator MURPHY—I was reading it to mean that you might be able to make it three weeks or two weeks and two days or something, but you can actually determine another time?

Ms Stern—Yes.

CHAIRMAN—A final question, and it comes back to CROC—the Convention on the Rights of the Child—and the analogy there. In terms of the Australian 1993 report—and it also deals with consultation—in CROC we are finding in our ongoing review that the alternative report in that case highlighted that there was not consultation, particularly with NGOs. Do we have the same problem here or has the report that Australia has submitted in 1993 had the strong support of women’s organisations? What women’s

organisations outside states and territories were consulted?

Ms Nairn—It is a country report, and in preparing the report, I would imagine—I am sorry, I was not there at the time—that it was largely done with the states and territories rather than with NGO participation. The NGOs are free to prepare an alternative report. Again, for example, this year they might do that. We assume they are doing that. We have got indications that they are doing that. We do not actually prepare the report in consultation.

CHAIRMAN—Why would they do that if they were in general support with what the country report said? Does that indicate that again, like we are finding with CROC, there are marked differences of view in terms of how well we are doing, in the case of CROC, in implementing that convention? Is it the same sort of situation with this one?

Ms Nairn—It is possible, but given that our report is from 1993, it is also possible that the NGOs are focusing on saying, ‘Hey, things have changed since 1993 and this is what has changed and this is how we see those changes.’ To some extent the committee can use the reports provided by NGOs as a sort of way of finding questions that they then ask the government to report on.

CHAIRMAN—For the purpose of what we really will need to say to the parliament, could we ask you to take on notice and get back to us in terms of the extent to which the non-government organisations have or have not been consulted. Anecdotal evidence, if you have got anything, in terms of where they might markedly disagree with the 1993 report would help us fill in a few gaps.

Ms Nairn—I think we will have a good indication of that next week when we get the questions on notice.

CHAIRMAN—Okay. Bear in mind that we have got a little bit of time with this one. Because of the 15 sitting day rule we get up at the end of the week, so we do not have to report until early September. We have got a little bit of time, but it would be helpful if you could do that for us.

Ms Nairn—Yes.

CHAIRMAN—Thank you very much.

Resolved (on motion by Mr McClelland):

That the committee authorises publication of the evidence given before it at public hearing this day.

Committee adjourned at 8.55 a.m.

