



Economic and Social Council

Distr.: General
12 October 2010
English
Original: French

Committee on Economic, Social and Cultural Rights Forty-second session

Summary record of the third meeting

Held at the Palais Wilson, Geneva, on Tuesday, 5 May 2009, at 10 a.m.

Chairperson: Mr. Marchán Romero

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Fourth periodic report of Australia

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fourth periodic report of Australia (E/C.12/AUS/4, HRI/CORE/AUS/2007, E/C.12/1/Add.50, E/C.12/AUS/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the Australian delegation took places at the Committee table.*
2. **The Chairperson** welcomed the members of the Australian delegation and invited them to present the State party's fourth periodic report.
3. **Ms. Millar** (Australia) said that the Australian Government had sought to include information which was as accurate and comprehensive as possible in its core document (HRI/CORE/AUS/2007) and fourth periodic report (E/C.12/AUS/4), both submitted in 2007. The Government's written replies to the list of issues had been prepared after consultation with the authorities of the states and territories.
4. Major changes had taken place in Australia since the submission of the fourth periodic report, covering the period 1997–2006: they included the election in November 2007 of Prime Minister Kevin Rudd, who had embarked upon an ambitious programme. In particular, he had undertaken to honour the indigenous peoples of Australia, to guarantee respect for social diversity and promote social cohesion, to combat violence against women and children, to guarantee fair and favourable working conditions for all, to ensure that all Australians had access to adequate housing, to make improvements in the health and education sectors, to reduce poverty and to help developing countries to fulfil their human rights obligations.
5. On 13 February 2008, the Prime Minister, on behalf of the Australian Government, had officially apologized to the indigenous peoples of Australia for the laws and policies which, in the past, had inflicted great suffering on the "stolen generations" and their descendants. The Government did not deny that the indigenous peoples were the most disadvantaged group in Australia, and it was aware that it must intensify its efforts to guarantee their fundamental rights. In order to meet that challenge, the Council of Australian Governments had set itself five targets, to which it had allocated a budget of 4.6 billion Australian dollars: to close the gap in life expectancy between indigenous peoples and the rest of the Australian population within one generation; to reduce the gap in under-five mortality between the two groups within 10 years; to ensure, also within 10 years, that indigenous children gained the same reading, writing and arithmetic skills as other children; to ensure within five years that all indigenous children below the age of 4 years living in remote areas received preschool education; and to ensure that, by 2020, as many indigenous children would complete their education as other children. The Australian Government had carried out broad-ranging public opinion surveys in order to decide on the type of national body which should be set up to enable indigenous peoples to contribute to Government policy. Also, in a break with the past, it had declared its support for the United Nations Declaration on the Rights of Indigenous Peoples.
6. The Australian Government had to tackle other problems as well, including physical and sexual violence against women, which could not be tolerated, particularly since it was the reason why a great many homeless women in Australia had fled the marital home. Legislation must be adopted to ensure that the perpetrators of such violence were brought to justice and that victims were protected. The Government had recently announced that the

sum of 12.5 million Australian dollars was to be allocated to a telephone hotline, which would operate 24 hours a day, 7 days a week. Other measures had been taken to strengthen the legislative framework to combat discrimination, including legislation adopted in November 2008 containing amendments to 84 federal laws and banning discrimination against homosexual couples and their children in such areas as taxation, social security, health, and various fields of family law. All the relevant reforms would be implemented by July 2009.

7. Although Australia, like other countries, had been affected by the economic crisis, it had lost none of its determination to help developing countries achieve the Millennium Development Goals. The Australian Government had therefore pledged to increase to 0.5 per cent the percentage of gross national income allocated to public development assistance by 2015, the ultimate ambitious goal being to raise that figure to 0.7 per cent. In July 2008, Australia had also extended its humanitarian care programme for foreigners, thus enabling migrants to integrate in Australian society and enjoy the benefits of public services.

8. The Australian Government had taken a number of economic and social policy measures. In the field of employment, the Fair Work Act of 2009 provided minimum guarantees for employment, collective bargaining, effective protection against unfair dismissal, protection for workers on low wages, a fair work-life balance and the right to be represented at work. The Government was also planning reforms which would allow asylum-seekers fairer access to the labour market.

9. In the field of housing, the Australian Government had invested almost 10 billion Australian dollars in the implementation of the National Affordable Housing Agreement, intended to give all Australians access to affordable, secure and sustainable housing. In particular, the Government aimed to halve the number of homeless people by 2020. To that end, it had drawn up a four-year plan focused on prevention and helping people living on the streets to find accommodation. In addition, 6.4 billion dollars had been released for the construction of approximately 20,000 social housing units and the repair and renovation of almost 2,500 public housing units. Action had also been taken to help young Australians to enter the property market: in 2008, the Government had introduced an assistance programme for first-time buyers, as well as a savings plan on favourable terms, with Government funding and a low rate of taxation on savings. The Government was aware that Australians would not be able to meet all the conditions required to benefit from those measures, so it had allocated a budget of 623 million Australian dollars for the provision of affordable rented housing — with rents 20 per cent below the market rate — for people who could not afford to buy.

10. In the field of health, a whole range of measures had been adopted to update the health-care infrastructure, health services and preventive care. To that end, the sum of 64.4 billion Australian dollars had been allocated for public hospitals and health sector reform, and an agreement in the same area had been signed between the federal Government and the state and territory governments.

11. Many measures had also been taken in the field of education and training, including some intended to widen access to preschool education so that, by 2013, all children should receive 15 hours a week of preschool education for 40 weeks in the year before the start of full-time education. Partnership agreements with the states and territories had been concluded with the aim of improving pupils' school results, the quality of primary teaching and the standard of teaching in schools in underprivileged areas; increasing funding for upgrading of computer equipment in upper secondary schools; improving the spread of schooling; increasing the number of vocational training establishments; and doubling the number of study grants awarded to lower secondary school students, among other measures.

12. The Australian Government had drawn up the governmental programme of work that she had just described following public consultations. The Australian Multicultural Advisory Council, established in January 2009, also advised the Government on questions of social cohesion and ways of combating racism and intolerance in Australia. The creation of such a council in itself showed Australia's desire to enhance the diverse, multicultural character of the nation.

13. In order to meet public expectations related to fundamental rights, the Australian Government had launched a national consultation on 10 December 2008, Human Rights Day, which was intended to canvass public opinion about the best ways of protecting those rights in the future. The consultation would include a whole range of awareness-raising activities at national level, from the big cities to the most remote areas, so as to involve as many Australians as possible — including those from diverse backgrounds — in the process. The information document published during the consultation listed all the economic, social and cultural rights on which respondents were invited to give their views. The consultation was led by an independent committee of four eminent experts, whose mandate was to submit their conclusions on recommended solutions for the protection of human rights to the Australian Government by the end of August 2009. The conclusions, which would be accompanied by the Committee's concluding observations and the views of various non-governmental organizations, would have a considerable influence on future decisions taken by the Government for the protection and promotion of the fundamental rights of all Australians.

Articles 1 to 5 of the Covenant

14. **Mr. Tirado Mejia** welcomed the Australian Government's efforts to help developing countries achieve the Millennium Development Goals, but wished to know what measures it was taking at a national level to counter the effects of the global crisis and, in particular, to prevent the rights enshrined in the Covenant from being adversely affected, as was often the case in such circumstances. He further asked whether the Covenant had been incorporated into the State party's domestic legislation, whether it had ever been invoked before the courts, and how the Committee's concluding observations were disseminated at country level.

15. **Mr. Riedel** said that he had been moved to tears while listening to the speech in February 2008, in which the Australian Prime Minister had apologized on behalf of the country to the indigenous peoples for the suffering they had endured over the previous two centuries. He asked about the specific constitutional, administrative, legislative or other measures which had been adopted following that declaration.

16. Turning to the human rights consultation process initiated by the State party, he would be interested to know the preliminary results of the round tables on the various rights enshrined in the Covenant, and why there were no plans to draw up a human rights charter as a result of the process. It would also be interesting to know the exact mandate of the Australian Human Rights Commission, which did not appear to have the authority to take decisions related to the realization of economic, social and cultural rights, and the reason why its funding had recently been cut by 12 per cent. Could the Australian Government request the parliaments of the states and territories to ensure that the Commission's recommendations were duly followed up?

17. Finally, he asked for more information about the situation in the Northern Territory following the emergency response legislation promulgated there in 2007; in particular, he asked whether the Government intended to lift its suspension of the Anti-Discrimination Act.

18. **Mr. Pillay** asked whether the right to housing was an enforceable right on the territory of the State party and asked what measures the State party had taken to implement a recommendation made by the Committee in its concluding observations, adopted following consideration of Australia's third periodic report, which had invited the State party to incorporate the Covenant into its domestic legislation so that any person who considered that one of his/her rights under the Covenant had been infringed could obtain redress before the courts.

19. He also wanted to know whether the State party intended to strengthen human rights teaching in school and non-school curricula, as requested in the concluding observations, so that Australian nationals would be aware of their rights and the possibility of obtaining redress if those rights were violated.

20. **Ms. Bras Gomes** asked what results were expected from the national consultation on protection of and respect for human rights, given that the Australian Government had already ruled out the idea of drawing up a human rights charter. In particular, she asked about the attention paid to economic, social and cultural rights in the national consultation. She noted with regret that the Covenant had not been incorporated into domestic legislation, that the Australian Human Rights Commission had a limited mandate and that the public was poorly informed about its rights and the remedies available to ensure that those rights were respected. She noted that there was no framework law to combat discrimination which included all the grounds for discrimination cited in article 2.2 of the Covenant, and asked for more information about the various anti-discrimination laws at state and federal level.

21. **Mr. Dasgupta** asked the Australian delegation to respond to question 9 of the list of issues, namely why the foreign aid promised by the State party had fallen short of the figure of 0.7 per cent pledged by States for the Millennium Development Goals.

22. **Ms. Bonoan-Dandan** expressed her regret that the State party had submitted such a concise periodic report, since the Committee could not be content with the information provided in the core document and the written replies. In particular, she asked for details of the follow-up to the recommendations and concerns expressed in the Committee's concluding observations on the State party's third periodic report. She noted with concern that none of the provisions of the Covenant appeared to be protected by specific legislation, and asked the delegation to give details of the protection afforded to the rights enshrined in the Covenant. She asked about the aims of the Australian authorities in conducting the national consultation, insofar as no effort had been made beforehand to inform the public of its rights. She understood that there were plans to establish a body to represent indigenous peoples, and would like to know more about the timetable for its establishment. More generally, she asked about what measures were planned to ensure the effective participation of indigenous peoples in decision-making.

23. **Mr. Sadi** asked whether Australia intended to accede to the Optional Protocol to the Covenant. He shared the concern expressed by previous speakers that various forbidden grounds for discrimination were not covered by Australian legislation, and asked whether the implementation of equal opportunities legislation was intended to remedy that situation. He expressed doubts about the effectiveness of the activities of the Australian Human Rights Commission, insofar as its recommendations had no binding force. He noted in paragraph 142 of the written responses to the list of issues that the Australian Government was actively taking measures to ensure that no conflict existed between Australian legislation and international instruments, and asked for information about those measures. Finally, he asked whether it was Australia's policy to integrate indigenous peoples or to allow them a separate place in society.

24. **Mr. Abdel-Moneim**, noting from paragraph 259 of the State party's core document that Australia had adopted many anti-terrorism laws, asked what the Australian delegation considered to be the effects of the fight against terrorism on the enjoyment of the rights enshrined in the Covenant. He pointed out that, according to paragraph 504 of that document, Australia had announced in 2003 that it would provide aid to the amount of 1 billion dollars for the period 2003–2008, and asked whether that sum had actually been disbursed. Still on the subject of public development assistance (PDA), he asked what percentage of that assistance was used for infrastructure development in recipient countries. He also asked about the extent to which Australia took respect for economic, social and cultural rights into account when concluding free-trade agreements with other countries. Finally, he referred to information received to the effect that Australian enterprises practised wage-dumping in other countries, and asked whether the Australian Government acted to combat such practices.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

25. **Ms. Millar** (Australia) acknowledged that the periodic report under discussion was not detailed enough, but explained that her country had tried to remedy the deficiency by providing a great deal of information in its written replies to the list of issues. Australia had, indeed, not considered it necessary to incorporate the Covenant into its domestic legislation, but it ensured that the latter complied fully with the provisions of the international instruments ratified by the State. The national human rights consultation would deal extensively with economic, social and cultural rights. The consultation process, which would be extremely long and thorough, would consist of public meetings, as well as information bulletins disseminated both in written form and by electronic mail in order to reach the most remote communities. To date, the committee carrying out the consultation had already received 12,000 written communications relating to human rights, which showed the public's very lively interest in the subject. The Australian Government had placed great emphasis on the Internet as a way of enabling everyone to give their opinion, although it had also planned to distribute information leaflets and guides and to hold training workshops as well. The Australian authorities were not, indeed, planning to draw up a human rights charter following the consultation, but it had not ruled out any legislative options which might increase protection of those rights.

26. **Ms. Robinson** (Australia) said with reference to Australian anti-discrimination legislation that one of the problems faced by the Government was the fact that Australia had a federal system. At the federal level, there were laws against discrimination on the grounds of age, disability, race and gender. The states and territories also had their own laws. South Australia, Western Australia, New South Wales, Queensland, Tasmania, the Australian Capital Territory and the Northern Territory all had equal-opportunity and anti-discrimination legislation. Other states and territories, including New South Wales, Queensland and Victoria, had their own human rights commissions. That large number of laws created problems. The Standing Committee of Attorneys General (SCAG), consisting of the attorneys general of the states and territories and the Attorney General of New Zealand, had therefore called on a working group to review the options for harmonizing anti-discrimination legislation, including the systems for hearing complaints.

27. **Ms. Millar** (Australia) said that the powers of the Australian Human Rights Commission were certainly limited, since it merely issued recommendations; however, the Government took those recommendations very seriously and implemented many of them. The Commission's reports were likewise studied very thoroughly by Parliament, but ultimately it was the Government which took the decisions.

28. **Ms. Robinson** (Australia) said that there were certainly measures to provide redress in cases of non-respect of anti-discrimination laws and she was sure that the legislative harmonization process which was due to take place would shed more light on that aspect. Under the federal Racial Discrimination Act, the Human Rights and Equal Opportunity

Commission sought to resolve disputes by conciliation. If that failed, the plaintiff could go before the courts to seek a binding decision. The court would then decide on the appropriate redress (apologies, compensation, reinstatement in a job, promotion, etc.). The International Covenant on Economic, Social and Cultural Rights was not listed in the Commission's statute as one of the international instruments to which it might refer, but other instruments were listed, including the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which covered some of the same ground as the International Covenant on Economic, Social and Cultural Rights. There were currently plans to add the Convention on the Rights of Persons with Disabilities to the list, which was not exhaustive. The Covenant was, however, cited in the law establishing the Commission, article 46 (c) of which stated that the Aboriginal and Torres Strait Islander Social Justice Commissioner should have regard to the Covenant when preparing his/her annual report to Parliament.

29. Turning to the position of the High Court in respect of "legitimate expectations" based on the ratification of international instruments, declared in the case of *Minister for Immigration v. Ah Hin Teoh (Teoh)* in 1995, she explained that the concept of legitimate expectations gave rise to a procedural right to challenge administrative decisions. If a decision maker proposed to make a decision that was inconsistent with the provisions of a treaty ratified by Australia, persons affected by that decision were entitled to submit communications objecting to the proposed provisions. The *Teoh* case related to article 3 of the Convention on the Rights of the Child, but the concept of legitimate expectations had been interpreted as applying to all international instruments generally. That jurisprudence had been called into question in a case in 2003, but it had not been expressly overruled, so that the concept of legitimate expectations was still valid. Earlier Australian Governments had issued executive statements to the effect that the ratification of a treaty by Australia should not give rise to any legitimate expectations, but the current Government pursued a different policy and no longer sought to restrict the effect of the decision in the *Teoh* case by means of statements by the executive.

30. **Ms. Millar** (Australia) said she was unable to give a definite answer about Australia's intentions regarding the ratification of the Optional Protocol. The Protocol would not be open for ratification until September 2009, and the Australian Government was giving active consideration to the matter. The current Government was more open than its predecessors to complaints mechanisms under the international human rights instruments, and had recently ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

31. **Mr. Innis** (Australia), responding to questions about the emergency response in the Northern Territory, said that the Government had revised its strategy in order to make its policy consistent with the law against racial discrimination and to consult indigenous peoples more closely. The legislation repealing the suspension of the law against racial discrimination in connection with the emergency response measures in the Northern Territory would be submitted to the Australian Parliament at its spring 2009 session, i.e., the following August.

32. The emergency response in the Northern Territory had been launched in June 2007, addressing, in particular, serious problems of child abuse which had occurred in the territory. In June 2008, a committee had been appointed to conduct an independent assessment of the emergency response. It had concluded that indigenous people had not been properly consulted, which might jeopardize the effectiveness of interventions; that the level of inequality suffered by indigenous people was unacceptable; that the Government should enter into a genuine partnership with those communities; and that it should ensure that the emergency response was consistent with Australia's human rights obligations and the law against racial discrimination.

33. Income management measures formed an important part of the emergency response. It had been found that children were not benefiting from the welfare payments intended for

them. Indigenous women indicated that they had acquired more control over their finances and felt more able to meet their children's needs. A law had been adopted on 18 March 2009 to guarantee all existing rights of recourse to people subject to income management in the Northern Territory, including the Social Security Appeals Tribunal and the Administrative Appeals Tribunal.

34. The Northern Territory budget for 2008–2009 provided for the recruitment of 20 members of indigenous communities as community workers, who would provide a link between the public and representatives of the authorities and increase the general level of trust and cooperation. In December 2007, the Government had established an advisory group of 25 Aboriginal leaders from the Northern Territory to discuss the implementation of emergency response measures in the Northern Territory and report on their discussion to the Minister in charge, who, together with the Prime Minister, had met the advisory group on 16 December 2007 and on several occasions the following year.

35. Turning to the issue of compulsory leases, he said that the Government had undertaken to move as quickly as possible from those five-year compulsory leases to consensual leases. The Government had not acquired any further compulsory leases, and had asked the Administrator of the Northern Territory to set a reasonable rent for all existing five-year leases. The rents would be paid automatically, and would be backdated to the start date of the lease. The housing programme which had been launched included a special section on the Northern Territory and overall financing for social housing.

36. In the field of education, a programme intended to improve access to education for indigenous peoples devoted considerable resources to school infrastructure. Another priority was improving employment prospects for young people. A reform of various programmes had been initiated in order to give young people more opportunities for training and access to employment, in parallel with a wide-ranging reform of the employment services network. In addition to programmes aimed specifically at indigenous people, the Government was attempting to establish whether general programmes were properly suited to the needs of indigenous peoples and were accessible to them.

37. On the subject of participation, he said that the Australian Government had undertaken to set up a representative body for indigenous peoples. That initiative, which was part of a highly ambitious indigenous policy, was currently at the consultation stage. During the first round of consultations between July and December 2008, over 2,000 contributions had been received from members of indigenous communities, during meetings or in the form of written communications. The main issue emerging from the consultations had been that the representative body should play a key role in the constitutional acknowledgement of Aboriginal people and Torres Strait Islanders; have a clearly defined role and functions; be independent of the Government; and be independently funded. In December 2008, the decision had been taken to continue the process. The steering committee in charge of the second round of consultations was due to submit a report with recommendations for the new representative body in July 2009.

38. Replying to the question of whether Australia's policy started from a position of integration or separation of indigenous peoples, he said that no one in Australia thought in those terms: instead, they saw the situation in terms of self-determination and the meaning of that concept for indigenous peoples. The Australian Government accorded primordial importance to the place and culture of indigenous peoples in Australian society, and acknowledged their right to self-determination, in accordance with the principles of territorial integrity and sovereignty.

39. **Ms. Chin** (Australia), replying to questions on the integration of human rights education within the Australian school system, explained that education came under the jurisdiction of the federal states and territories. The Melbourne Declaration on the Educational Goals for Young Australians, adopted in December 2008 by all the education ministers of the Australian Commonwealth, one of the objectives of which was that young

Australians should be active and informed citizens, listed the learning areas which should be included in school curricula, such as social science, civic education and human rights.

40. Although the lack of a unified education system and curriculum at the federal level might seem to indicate a lack of consistency, it also increased the potential for achieving excellence in various fields, including human rights education. That fact was demonstrated by the various systems of the Australian Capital Territory, in particular, where human rights were taught throughout the compulsory years of schooling, or in Tasmania, where children were introduced to human rights issues from the nursery level.

41. **Mr. McFarlane** (Australia) gave more details about official development assistance (ODA). The Australian Government had committed itself to increasing ODA from the current figure of 0.32 per cent of gross domestic product (GDP) to 0.5 per cent by 2015, but it would have to consider carefully how it could make available the additional resources required. In the area of infrastructure, the State party had established Australia's Aid Program, based on the Millennium Development Goals and focusing on education and health. It was aware of the importance of infrastructure and services for the achievements of the targets and objectives which had been set: it had allocated 420 million Australian dollars over three years for infrastructure development, and had recently established a regional fund worth 127 million dollars for infrastructure development in transport, communications and water supply. Finally, in respect of specific measures to protect human rights, he said that Australia's Aid Program was intended to promote basic rights, particularly those of marginalized groups. Over the previous 12 months, the policy for dealing with gender issues had been strengthened, and a policy for the integration of disabled people, called "Development for All", had been introduced.

42. **Mr. Riedel** recalled that, under international law, obligations were undertaken by a State party at the federal level, and asked what was done to deal with the problem of a state or territory which had not implemented the economic, social and cultural rights enshrined in the Covenant at an operational level. Citing the excellent example, mentioned by the Australian delegation, of the Racial Discrimination Act, which applied at both federal and state level, he asked why the same procedure could not be followed in the case of economic, social and cultural rights.

43. **Ms. Bonoan-Dandan** noted that, although human rights measures had certainly been taken by the State party, as shown by the list of existing programmes which the Australian delegation had cited, the Committee still had no indication that a genuine legal framework or mechanisms existed to guarantee respect and protection for the rights concerned in Australia. The few facts about economic, social and cultural rights provided thus far were not sufficient. Moreover, human rights should not be limited merely to civic education; they should form a separate programme within the educational system. She further asked about the status of Australia's ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

44. **Ms. Bras Gomes** stressed the fact that, despite the existence of anti-discrimination legislation in the states and territories, it appeared that some forms of discrimination, particularly that based on religion, did exist in some states. She recalled the importance of a genuine legal framework in the fight against discrimination.

45. **Ms. Millar** (Australia), responding to Mr. Riedel, said that, in the case of conflict between federal and state law, federal law would apply. Moreover, the Council of Australian Governments ensured consistency between the various jurisdictions. The issue of integrating economic, social and cultural rights into all jurisdictions would be addressed as part of the consultation process.

46. **Mr. Innis** (Australia) said that there was no provision for a separate mechanism to guarantee the realization of economic, social and cultural rights in activities aimed at closing the gap between indigenous and non-indigenous people. The State party expected bodies such as the Human Rights and Equal Opportunity Commission and non-

governmental organizations to monitor closely Australia's observance of its human rights obligations in its implementation of policies to close that gap.

47. **Ms. Robinson** (Australia) drew attention to the Anti-Discrimination Law Harmonization Working Group and, on the subject of discrimination on the grounds of religion, stated that everything possible was done to ensure that the federal authorities acted against that kind of discrimination; the Australian Constitution also included provisions intended to protect religious denominations.

Articles 6 to 9 of the Covenant

48. **Mr. Texier**, welcoming the progress made recently by the State party with the adoption of new laws, nevertheless still wished to know what effect they had had. He asked what programmes were planned to dismantle the barriers faced by certain sectors of the population, such as indigenous people, asylum-seekers, recent migrants, people with disabilities and especially women, in obtaining access to employment (article 6 of the Covenant), and asked the State party to provide disaggregated unemployment statistics for women, young people, indigenous peoples and the rest of the population. He noted that the legislation and especially practice in Australia appeared wanting in respect of dismissal without genuine and serious grounds, or "unlawful dismissal" (art. 7), despite the Fair Work Act and its associated Fair Work Australia mechanism, a situation that should be addressed. Finally, he had the impression that, in some employment sectors (such as the construction industry) excessive restrictions were applied to the right to strike and on trade union activity (art. 8) and the penalties were far too severe, another area where changes and improvements were needed.

The meeting rose at 1.05 p.m.