

Background to the 1996 and 1997 Cabinet records

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A change in political guard

Australia entered 1996 poised for a federal election that was widely anticipated to bring the curtain down on 13 years of Labor government. Since John Howard had regained the Liberal Party leadership from Alexander Downer in January 1995, the Coalition had enjoyed a consistent lead in the major public opinion polls. While Prime Minister Paul Keating had prevailed against expectations to defeat the John Hewson-led Coalition in March 1993 to provide Labor with a fifth consecutive term of office, there was little confidence in the government's ranks of another reprieve. The factors weighing against Labor's return included an exhaustion of political capital after such a lengthy incumbency, the shadow cast by the severe economic recession of 1990–91, and the prime minister's ambitious cultural nationalist agenda that was vulnerable to criticism of being remote from the concerns of so-called 'mainstream' voters.

Following his unfulfilled period as Opposition leader from 1985 to 1989, Howard brought a highly focused and disciplined approach to the role in his second coming. With unemployment above 8 per cent, interest rates still relatively high, burgeoning national debt and drought afflicting parts of the eastern states, upon resuming the Liberal leadership Howard had

taunted Keating that Australians had enjoyed 'a bare five minutes of economic sunlight' since the recession.¹ Acutely aware of the political overreach of Hewson's Fightback! reform manifesto at the previous election, Howard narrowed the policy differences between the Coalition and the Labor government. He announced that Medicare was sacrosanct and bulk billing would be preserved. He disavowed plans for a consumption tax—a policy that had blighted Hewson's 1993 campaign. A GST, Howard pledged, would 'never ever' be part of Coalition policy: 'It was killed by the voters in the last election'.² On industrial relations, the Coalition would pursue only a modest reform agenda with a 'rock-solid guarantee' that any negotiated individual contract must at least meet award conditions. Keating later complained that the Coalition won the 1996 election 'by pretending they were us'.³ Howard, while acknowledging a strategy of neutralising potential areas of attack by Labor, nonetheless insisted: 'I was not a small target. I was a known commodity'.⁴

In one of the Keating government's last rites, on 23 January Cabinet considered several environmental-related submissions. The Minister for the Environment, Sports and Territories, John Faulkner, proposed a package of measures to 'support the establishment of a world class, comprehensive, adequate and representative system of parks and reserves throughout Australia'.⁵ Another Faulkner submission recommended spending on initiatives in off-reserve nature conservation and ecologically sustainable resource management, while a submission by the Minister for Primary Industries and Energy, Bob Collins, advocated increased expenditure on programs like National Landcare and the Murray-Darling Basin Sustainability Scheme beyond that approved by Cabinet the previous November.⁶ The Department of the Prime Minister and Cabinet (PM&C) questioned the case for the additional funding proposed in Collins' submission and the Department of Finance expressed misgivings about the cost and justification of measures in all three submissions. Nonetheless, Cabinet endorsed the initiatives for Keating to announce them on 24 January, which was only three days before he called an election for 2 March.

The ensuing campaign featured the customary sound and fury, but the die was cast for Labor's defeat. Speaking at the National Press Club two days before the election, Keating warned that 'when the government changes, the country changes'.⁷ On 2 March, voters emphatically opted for change. The Coalition achieved a 5 per cent swing, delivering it an extra 29 seats and a commanding majority in the House of Representatives. Though falling shy of control of the Senate, the strength of the new government's position afforded it optimism of being able to negotiate its legislative program through the upper house.

Only the fifth change of national government in the half-century since the end of World War II, there were inevitably questions about how the newly minted ministerial team announced by Howard on 8 March would adjust to executive responsibility. Of the 15-member Cabinet, only the prime minister and John Moore had previous federal ministerial experience. To guard against complacency among shadow ministers, nor had the Coalition made significant preparations for transition to government before the election.⁸ Its swift removal of six departmental secretaries and Howard's foreshadowing of the early departure of the head of PM&C had the potential to further complicate the adaptation to office. And there was the Coalition's deliberately muted election program. All combined to create an element of uncertainty about how the Howard government would 'change the country'.

Gun control

Government is not only about giving effect to carefully nurtured policy ambitions but also managing unexpected events. For the Howard Cabinet, there was an early and chilling demonstration of that reality when on 28 April 1996 a lone gunman, Martin Bryant, armed with two military-style semi-automatic rifles murdered 35 people and wounded another 23 at Port Arthur in Tasmania. Bryant's killing spree traumatised the nation. The Port Arthur massacre was the deadliest in a spate of mass shootings since the mid-1980s. The previous tragedies had sporadically propelled gun reform onto the political agenda and substantial policy development had been carried out under the auspices of the Australasian Police Ministers Council.⁹ Yet the goal of uniform national gun laws had been thwarted by differences between the states and territories with Queensland and Tasmania the chief stumbling blocks. The result was that Australia's firearm laws remained, as Howard later wrote, a 'hodge-podge'.¹⁰

The day after Bryant's rampage Cabinet received 'an oral report from the Minister for Social Security [Jocelyn Newman] on her trip to Tasmania in relation to the Port Arthur tragedy'.¹¹ The meeting noted that the Tasmanian Government, Opposition and 'Greens' had agreed to a ban on semi-automatic weapons and the registration of all guns. It was an early sign of the horrors of Port Arthur galvanising support for strengthened firearm laws. In the days that followed the prime minister, his staff and officials worked urgently to capitalise on that opportunity. In devising a package of measures they had the benefit of the resource of the unfulfilled policy development of the previous decade. A Cabinet meeting on 6 May agreed to the complete prohibition of automatic and semi-automatic firearms (their sale, transfer, possession, manufacture and importation); the establishment of a comprehensive national firearm registration system; an amnesty period during which prohibited and unregistered weapons could be surrendered; and the creation of a compensation fund through a levy on income tax to purchase banned firearms from owners. A meeting of the Commonwealth Attorney-General, Daryl Williams, and state and territory police ministers broadly adopted that scheme on 10 May.

The issue was far from resolved, however. There was fierce opposition to the proposed measures from the gun lobby and within parts of rural and regional Australia. That discontent filtered into Coalition ranks with National Party members from Queensland among the most vocal agitators against the government's position. While these tensions played out in the Coalition and across the nation into the winter of 1996, Cabinet held firm. On 4 June, it agreed on the placement of advertisements in national and rural newspapers and the preparation of a pamphlet outlining the government's policy and detailing the ban and compensation scheme.¹² A week later it 'confirmed its position not to vary the Police Ministers' prohibition on semi-automatic and pump action shotguns' and assented to advertisements appearing in newspapers on the following weekend of advertisements that set out the measures agreed by the police ministers. At the same time, Cabinet committed to working with the states and territories to clarify aspects of the 10 May policy blueprint dealing with such matters as arrangements for sporting shooters and compensation for firearm dealers for loss of business.¹³ There were other questions to be settled. In late July, in the context of budget preparations, Cabinet considered a submission from Williams about whether ancillary measures like the public information campaign ought to be paid for out of the gun levy fund.¹⁴ A further legacy of Port Arthur was the government's establishment of a committee of ministers to, among other things, 'examine issues concerning violence in videos, television and video games'. In July 1996, Cabinet adopted several of the committee's recommendations, including the introduction of an industry code of practice for video and interactive software retailers. This was despite the Minister for Communications and the Arts, Richard Alston, noting potential criticism that the committee's report had been 'completed in too great a haste, and without the opportunity for detailed expert input'.¹⁵

Budget management

Another pressing early matter for the Howard ministry was fiscal repair. During the election campaign, the Labor government rejected Coalition calls for an updated budget forecast, which it maintained was on track, as originally predicted, for a modest surplus. Upon briefing by the public service, however, the incoming Howard government discovered that the latest estimate was that the Budget was headed for a \$7.6 billion deficit.¹⁶ The Coalition dubbed the deficit 'Beazley's black hole' in reference to the former finance minister in the Keating government and the new Labor Opposition leader, Kim Beazley. In a submission presented to Cabinet on 21 March, the recently sworn-in Treasurer, Peter Costello, informed ministers that the deterioration in fiscal outlook was 'largely due to changes in economic parameters affecting both outlays and revenue'. In essence, economic growth had been weaker than expected. This had resulted in lower tax receipts and higher expenditure, particularly on unemployment benefits. Increased outlays also stemmed from 'policy decisions taken by our predecessors since the [1995–96] Budget'. Cabinet approved a goal of 'returning the budget to underlying balance in 1997–98 through a discretionary tightening of 1.5 percentage points of GDP' over the next two financial years. The fiscal consolidation was to 'be implemented to the maximum extent possible through savings on outlays'.¹⁷

The policy of austerity agreed to by Cabinet set the scene for a torrid preparation period for the government's first Budget delivered in August. Only Defence was quarantined from savings proposals.¹⁸ Ministers endeavoured with varied success to moderate the savings targets established for their portfolios. In higher education, Cabinet's Economic Review Committee (ERC) proposed expenditure reductions by cutting university operating grants and increasing student charges through the Higher Education Contribution Scheme (HECS). The Minister for Employment, Education, Training and Youth Affairs, Amanda Vanstone, protested that the nominated level of savings was 'exceedingly high' and had 'the potential to damage Australia's university system'. She recommended that the savings targets be either reviewed or deferred but, as a fall-back position, put forward an alternative package of measures centred upon the creation of a tiered HECS payment structure.¹⁹ Similarly, in the health portfolio, Finance had identified potential savings headed by a two-year freeze on the Medical Benefits Schedule. The Minister for Health and Family Services, Michael Wooldridge, won agreement from the ERC to instead accept a one-year freeze in concert with other measures to improve Medicare's efficiency.²⁰ The ERC requested that the ABC and SBS also be scrutinised for cuts despite the Coalition pledging while in opposition to maintain the broadcasters' funding. In a responding submission, the Minister for Communications and the Arts, Richard Alton, observed that SBS 'has generally managed resources better than the ABC' and identified other problems with the ABC, including perceptions that it suffered from 'ideological bias'. Nevertheless, he regarded an early imposition of 'a large, arbitrary funding cut to the ABC' as problematic and instead recommended that consideration of the organisation's budget be deferred pending a review of its role and operations.²¹ Finance cautioned a review could 'create an opportunity for the ABC's constituents to place pressure on the Government to retain or expand the ABC in its current form'. It was a concern shared by PM&C. Cabinet resolved upon a \$55 million annual cut to ABC funding from 1997–98 (announced in the 1996 Budget) and the commissioning of an independent review of the broadcaster led by Bob Mansfield.²²

The government balked at some savings proposals. Having asked the Minister for Social Security, Jocelyn Newman, for a submission assessing the option of ceasing unemployment benefits after 12 months, in June the ERC chose not to proceed. Arguing against the measure, Newman observed that it would be 'contrary to the Prime Minister's "iron clad guarantees"' in a 1995 speech to the Australian Council of Social Services. She also feared that it would 'build a significant poverty trap into the structure of the Social Security system'.²³ Newman's alternative proposal was to abolish a suite of payments provided to assist those on welfare transition to employment or education and training programs. Newman noted that she had sought to shelter 'the more vulnerable in our society', but acknowledged that 'given the size of the savings to be achieved, it is inevitable that the measures will disadvantage a large number of social security recipients'.²⁴

To avoid a repeat of the lack of transparency surrounding the Commonwealth's fiscal position during the 1996 election campaign, Costello's August Budget featured a commitment to enact a 'Charter of Budget Honesty'. A Cabinet committee agreed to the preparation of legislation to implement the charter on the basis of recommendations by the Treasurer. Under its proposed terms, governments were to be required to report twice yearly on the economic and fiscal outlook and, every five years, present an intergenerational report. In addition, Treasury and the Department of Finance were to provide an economic and fiscal outlook statement in the run up to an election. Costello argued that the 'need for such arrangements is highlighted by the persistent structural deficits in the Commonwealth budget over the past 25 years'. While PM&C supported the principle of regular and comprehensive reporting by government, it and the Attorney-General's Department questioned the purpose of enshrining the charter in legislation. Nor was Finance fully convinced about its new responsibility. It queried 'how accurately' it and Treasury could produce an economic and fiscal outlook statement within days of an election being called.²⁵

Economic reform

Budget repair was only one element of the Howard government's economic reform program. Its privatisation agenda was headlined by the sale of one-third of Telstra. By April 1996 Cabinet had given the green light for a Bill to be prepared to permit that sale. A joint

submission by the Finance Minister, John Fahey, and the Minister for Communications and Arts, Richard Alston, advised that one of the principles on which the Bill should be developed was 'minimisation of grounds for rejection in the Senate'.²⁶ Despite that objective, the resulting Bill encountered resistance in the upper house that stalled its passage until December. In May 1997, Fahey was authorised by Cabinet to proceed with the privatisation, which was expected to reap \$10 billion, within a maximum 'envelope of sale costs' of \$210 million.²⁷ Meanwhile, the government pursued other asset sales. For example, in November 1996 Cabinet resolved on a process for advancing plans to privatise Australian National Railways, while in May 1997 it agreed in principle to the sale of the Commonwealth's equity in the Snowy Mountains Hydro-Electric Scheme.²⁸

But there were also glitches in the government's privatisation program. In June 1996, the Minister for Transport and Regional Development, John Sharp, reported to Cabinet on complications surrounding the future of ANL Limited, the Commonwealth-owned shipping line. He had asked ANL's board to proceed with a restructure of ANL aimed at increasing its commercial viability as a precursor to possible privatisation. However, the ACTU and Maritime Union of Australia (MUA) had warned that a key element of the restructure—sale of ANL's trans-Tasman vessels—would provoke 'a major dispute'. Sharp had consulted with the Minister for Industrial Relations, Peter Reith, who advised that a strike at that time would be 'far less manageable' than was likely to be the case upon enactment of the government's industrial relations reforms (those changes were passed by the Senate in October after the government agreed to a raft of amendments). It was estimated that a one-week maritime strike would cost more than \$480 million. Appended to the submission was correspondence between senior ANL management that noted: 'The MUA are convinced that the Government are "out to get them"'. Sharp was willing to countenance action despite acknowledging 'major industrial relations implications'. Treasury was among the departments that urged caution. It suggested any dispute 'preferably be fought over an issue that commands wide industry support and in circumstances where there are prospects for an outcome that reinforces the broader reform agenda'.²⁹ Cabinet made no decision on Sharp's submission. By late 1997, however, with the government's desire for a radical overhaul of waterfront workplace practices on the public record and media reports of a scheme being hatched with employers to engineer that outcome, a major industrial conflict loomed. In December, Cabinet agreed to make available funds to relevant employers in the form of 'a repayable loan' to meet the cost of redundancies 'owing to restructuring and reform in the stevedoring and maritime industry'.³⁰

Migration was another frontier of the government's economic reform agenda. In July 1996, Cabinet agreed on a migration intake of 74,000 in 1996–97 with a composition 'that reflects a structural shift away from the preferential family category and in favour of skilled migration'. The intake was substantially less than that proposed by the Minister for Immigration and Multicultural Affairs, Philip Ruddock. In addition, the humanitarian program was to be cut by 1000 places with further reductions in the years beyond.³¹ Ruddock's recommendation was again overridden when Cabinet agreed in May 1997 to a still smaller migration intake for 1997–98 of 68,000. PM&C commented on Ruddock's submission that the program 'should focus on maximising employment outcomes' and 'fundamentally change from a demand driven Program to one more responsive to government policy regarding who is granted entry to the country and on what basis'.³² In the second half of 1997, Cabinet did move to augment executive control by agreeing to introduce legislative amendments in the spring session which, among other things, were to be designed to render regulations that had been made under the *Migration Act* not disallowable by the parliament. The Attorney-General's Department considered this step 'undesirable'. It would be 'unprecedented and ... inconsistent with the longstanding principle that the exercise of powers delegated by the Parliament must remain subject to Parliamentary supervision'.³³

In 1997 increasing work incentives and associated changes to assistance for the unemployed based on the principle of mutual obligation became a focus of the government's economic reform energies. This occurred against the background of the jobless rate remaining stubbornly above 8 per cent and much higher among young Australians. In February, the employment committee of Cabinet authorised the development of policy options to address youth unemployment. A resulting joint submission by the Minister for Education, Employment,

Training and Youth Affairs, Amanda Vanstone, and the Minister for Schools, Vocational Education and Training, David Kemp, presented a package of measures 'for reducing teenage unemployment in the short term'. Neither Treasury nor Finance were impressed. The former held that the solution lay in 'significant reform of structural policies'.³⁴ Cabinet had agreed by that time to a timetable for pilot 'Work for the Dole' projects and the introduction of legislation to implement a compulsory 'Work for the Dole' scheme that at least initially would be limited to young unemployed (from 18 to 24 years old).³⁵ With unemployment continuing to be a bane of the government, in August the employment committee commissioned an interdepartmental committee to identify 'strategies to make the social security system more employment-friendly by sharpening the incentives and obligations through the tax and income support systems for unemployed people to upgrade skills and take up work'.³⁶ Concern over the jobless rate was undoubtedly a consideration when Cabinet resolved the following month—against Industry Commission advice—to maintain rather than accelerate the tariff reduction timetable for passenger motor vehicles.³⁷

Indigenous relations

In Indigenous relations, the Howard Cabinet spent much of its early period in office wrestling with policy issues inherited from its predecessor—an inheritance that the new government was uneasy with. In opposition, the Coalition had opposed the creation of the Aboriginal and Torres Strait Islander Commission (ATSIC), voted against the landmark *Native Title Act 1993*, and been sceptical of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families that had been established by the Keating government in May 1995. Reforming ATSIC was an early priority. In April 1996, Cabinet placed conditions on the organisation making further grants pending the appointment of a special auditor to investigate its financial management and practices. In addition, Cabinet vetoed planned changes to ATSIC's governance arrangements that had been due to come into effect on 1 July 1996 whereupon it was to have a fully elected board of commissioners who then chose a chairperson. The Minister for Aboriginal and Torres Strait Islander Affairs, John Herron, noted that the Coalition had 'always opposed' these arrangements and that an elected chairperson would pose concerns about 'control and accountability, particularly where government funds are concerned'. Instead, Cabinet resolved that the minister appoint two of the commissioners and handpick its chair.³⁸

The Coalition was committed to reforming the native title regime. In early May 1996, Cabinet authorised the preparation of amending legislation with an aspiration for enactment by year's end. Joint submissions by Herron, the Parliamentary Secretary to the Prime Minister, Nick Minchin, and the Attorney-General, Daryl Williams, explained that the objective was to make the 1993 legislation 'workable while respecting the principles of the *Racial Discrimination Act 1975*'. They acknowledged aspects of the proposed amendments were 'likely to be perceived by indigenous interests as representing a serious diminution of the practical negotiating benefits now available'. Confirming this, ATSIC criticised the planned changes as 'significantly unbalanced and appears to present a substantial net derogation of indigenous rights'. Conversely, the ministers predicted that, while the states and territories and industry 'will argue that the amendments do not go far enough', they would be 'generally supportive'.³⁹

The government had parried calls from the Queensland and Western Australian governments and mining and farming interests for legislation to remove doubt over the question of whether the grant of a lease (including pastoral leases) extinguished native title. In May 1996, Cabinet agreed that the outline of the proposed native title amendments to be released for public comment 'explain clearly why the Government does not propose to legislate to extinguish native title on valid pastoral leases'.⁴⁰ Yet the issue hung over the government throughout 1996. In a memorandum presented to Cabinet in June—the same month the amending Bill was introduced to the House of Representatives—Williams noted that it was the Commonwealth's view that 'native title is extinguished by the valid grant of leasehold interests'. It had made submissions to that effect, including in the Wik case that was currently before the High Court and which was regarded as a decisive test case on the matter. Williams conceded, however, that 'until there is a High Court decision which specifically addresses this issue, the legal uncertainty remains'. The purpose of his memorandum was to canvas options for expediting a High Court determination.⁴¹

Shortly before Christmas 1996, the High Court handed down its judgement in the Wik case by ruling that a pastoral lease did not necessarily extinguish all native title rights. Native title rights and the rights of those granted a pastoral lease could coexist, but if there was an inconsistency between them the rights of the leaseholder prevailed. 'I did not like it. I did not agree with it', Howard later wrote of the judgement.⁴² The High Court ruling amplified pressure on the government, including from within its own ranks, for legislative action to extinguish native title rights on pastoral leases. In January, Howard delivered an 'oral report' on the Wik decision to Cabinet.⁴³ Yet it took months of tortuous negotiations before Cabinet endorsed a '10-Point Plan' to respond to the Wik decision, and until September before a Bill was ready to be introduced to parliament.⁴⁴ Though stopping short of outright extinguishment, the government's plan was vehemently opposed by the Indigenous community and faced resistance in the Senate. In anticipation of the Senate proceedings, Cabinet appointed a committee to review non-government amendments to its native title Bill while affirming that the committee 'not accept any proposal not consistent with the thrust of the previously agreed 10-Point Plan' without reference to the prime minister and deputy prime minister and 'if necessary to the Cabinet'.⁴⁵ By December an impasse was reached with Cabinet deeming 'unacceptable' Senate amendments to the Bill.⁴⁶ More than 18 months since the government had first unveiled proposed changes to Australia's native title regime its plans remained in limbo.

A further source of tension in Indigenous relations was the government's approach to the inquiry into the removal of Aboriginal and Torres Strait Islander children from their families conducted by the Human Rights and Equal Opportunity Commission (HREOC). The inquiry's head and the president of HREOC, Sir Ronald Wilson, wrote to the government in mid-1996 impressing the 'crucial significance' of the Commonwealth making a submission to the inquiry. Despite Attorney-General Williams counselling against a whole-of-government submission due to time and resource pressures, Cabinet agreed to do so. The submission was to outline the government's 'priorities in indigenous affairs' and convey its 'view that special compensation in respect of the issues being addressed in the Inquiry is inappropriate and unacceptable'.⁴⁷ When Cabinet considered its response to the inquiry's 'Bringing Them Home' report in late 1997, it agreed in principle to practical actions focused on facilitating family reunions while resolving 'there will be no formal Government apology'. In his accompanying submission, Herron described the report as 'very emotive, and focuses only on one view of the separation process'.⁴⁸ The comment hinted at strains between the government and HREOC, which was confirmed by Cabinet's decision in September to restructure the organisation and downgrade its functions. Among the proposed changes was that the commission no longer be able to recommend payment of damages and compensation in relation to human rights complaints. In recommending HREOC's reform, Williams asserted that its existing structure had 'fostered a concentration on the interests of an activist constituency'.⁴⁹

Environment policy/climate change

In the government's first year, Cabinet endorsed the negotiation of Regional Forest Agreements with relevant states, the introduction of new licensing regulations for woodchip exports, and the initiation of negotiations for a National Pollutant Inventory that would involve an annual public release of information on hazardous chemicals based on industry supplied data.⁵⁰ On the other hand, Cabinet decided against proceeding with a nomination of the Sydney Opera House for World Heritage listing. This idea had been mooted since at least the early 1980s and the Keating government had announced in 1993 that a nomination of the Opera House would be developed in collaboration with New South Wales. In December 1996, the Minister for the Environment, Robert Hill, asked Cabinet for authorisation to negotiate an agreement with New South Wales which, satisfying issues surrounding Commonwealth liability for future funding, planning and management of the Opera House, would pave the way for nomination by the deadline of mid-1997. PM&C, however, was unconvinced that Hill's submission established 'a compelling case for extending world heritage nominations into urban areas'. It warned that 'world heritage listing has been consistently used by conservation lobbyists as a Commonwealth forum to appeal against state land/planning decisions' and feared 'similar forum shopping' in relation to the development and management of the Sydney Harbour area should the listing proceed.⁵¹

Prior to the 1996 election, Howard had conceived the idea of earmarking 10 per cent (around \$1 billion) of the proceeds from the partial sale of Telstra for the creation of a national heritage trust as a means of enhancing the Coalition's 'environmental credentials'.⁵² Once the Telstra privatisation legislation passed in December 1996, Hill and the Minister for Primary Industries and Energy, John Anderson, submitted to Cabinet that it was 'time to give a clear signal that the government is implementing this key election commitment'.⁵³ In February 1997, the same ministers informed their colleagues that the first call for projects to be funded by the trust was to be issued later that month. They also advocated the distribution of the trust's funds be compressed into five rather than the six years that had been agreed to by Cabinet the previous July. This recommendation was approved as part of the development of the 1997–98 Budget, despite reservations from Finance and Treasury that it would compromise the government's deficit reduction strategy.⁵⁴

Climate change was the most vexing environmental issue for the Howard Cabinet during 1996–97. There was apprehension within the government about the potential for a protocol to the United Nations Framework on Climate Change, which was expected to be adopted at Kyoto in December 1997, to have adverse consequences for Australia. In June 1996, Cabinet agreed on the fundamentals of the government's international negotiating position on climate change—an approach it reaffirmed several times during the following 16 months. 'Australia's overall objective in climate change negotiations', it resolved, 'should be to safeguard our national trade and economic interests while advancing compatible outcomes that are environmentally and economically effective'. While Australia would support 'the need for effective global action on climate change', it would pursue an international agreement that 'does not contain targets which are legally binding' and argue for differentiated rather than uniform reduction targets. And Australia was to 'resist attempts' that a forthcoming conference of nations party to the Framework Convention on Climate Change to be held in Geneva in July 'decide on specific levels of atmospheric concentrations of greenhouse gases which would constitute "dangerous interference with the climate system"'.⁵⁵

Events at the Geneva conference, which was a staging post to Kyoto, intensified government anxiety. Robert Hill, who led the Australian delegation at Geneva, reported to Cabinet that it had 'proved a difficult and complex meeting for Australia'. Any gains achieved had been offset by 'the emergence of strong international support for legally binding targets' highlighted by indications that both the European Union (EU) and the United States favoured that position. Indeed, at Geneva there had been 'a general perception of Australia being isolated' chiefly because of its opposition to legally binding targets. Nor had Australia found many allies for its proposal for variable emission reduction targets and it had attracted criticism for being 'one of only a very few' participants 'to publicly articulate its concerns' about defining a dangerous greenhouse gas concentration level. Hill concluded his downbeat report by observing that

'Australia's ability to pursue its interests internationally will be heavily dependent on being able to demonstrate an effective domestic greenhouse response outcome'.⁵⁶

The consternation grew further by mid-1997 in anticipation of a UN General Assembly Special Session on the environment that the government feared would create impetus for a Kyoto agreement featuring legally binding emission reduction targets and/or uniform reduction targets. A joint submission by Hill, the Minister for Foreign Affairs, Alexander Downer, and the Minister for Resources and Energy, Warwick Parer, warned of the prospect of an 'EU-US bilateral "understanding" for progressing climate change' at a forthcoming G7 summit encompassing support for legally binding and uniform targets aimed at stabilising emissions at or below 1990 levels. A deal between G7 members could, in turn, 'provide the basis' for the UN Special Session adopting a position 'which narrows down our [negotiating] options' in the lead up to Kyoto. Regardless of that eventuality, the submission insisted: 'we should not walk away from the negotiations at that time. Australia's strategy should be to ensure that we are seen to be excluded from an agreement by the international community rather than having Australia reject agreement ... we should be seen to be "pushed off the cliff" rather than "walking away"'.⁵⁷

By July 1997, these concerns eased somewhat. A memorandum to Cabinet by Hill, Downer and Parer, detailed that the G7 meeting had not produced a deal between the EU and US, but had instead exposed differences. The UN Special Session had 'reflected this lack of agreement ... and did not narrow down Australia's negotiating position'. One reason for these better than expected outcomes was the 'major political level campaign which the Prime Minister and the Government have mounted in arguing for realism and equity through differentiated targets, and why Australia could not sign onto a uniform target'. The memorandum particularly highlighted Howard's international advocacy with 'Australia's opposition to legally binding uniform targets' having 'figured prominently in the Prime Minister's [recent] discussions in Washington and London'.⁵⁸ Operating on the continuing premise that greater domestic action to lower emissions would increase Australia's international leverage, Cabinet also agreed in July to establish a climate change taskforce to advance that aim. The development of 'strengthened measures' was to 'take place within a "no regrets" policy framework'. Among the 'least cost methods for reaching possible targets' to be analysed under the auspices of the taskforce were 'domestic and international emissions trading'.⁵⁹ In the following months, Treasury modelled various measures for reducing domestic emissions and a subsequent joint memorandum by several departments canvassed a range of options. 'None of the packages presented here', the memorandum conceded, 'would achieve the stabilisation of emissions at 1990 levels. Rather, they are aimed at deflecting criticism that Australia is not fully committed to reducing its emissions'.⁶⁰

Trade, foreign policy, defence and security

Over tea at the Lodge during March 1996, the defeated prime minister, Paul Keating, impressed on his successor the importance of the Asia Pacific Economic Forum (APEC), the regional economic forum that the Labor government had been instrumental in founding in 1989.⁶¹ Late the following month, however, the Minister for Trade and deputy prime minister in the Howard government, Tim Fischer, presented Cabinet with a sobering prognosis of APEC's immediate prospects. Forecasting that 1996 would be 'a difficult APEC year', Fischer advised that: 'The Philippines is struggling to generate confidence within APEC that it has the imagination or organisational skills to deliver as the 1996 chair'. Moreover, leadership from the US was likely to be 'hampered by the politics of its Presidential election year'.⁶² Fischer's pessimism remained in anticipation of the APEC leaders' meeting that was scheduled for the Philippines in November. In October, he informed colleagues that he had 'modest expectations for the future capacity of APEC to deliver on its trade and investment liberalisation agenda'.⁶³

In the same period, Fischer sought agreement from Cabinet on 'an overall trade policy strategy, including the balance between bilateral, regional and multilateral strategies'. While the multilateral system offered 'the biggest market access gains', Fischer cautioned that 'it is slow to achieve results'. He signalled an 'intention to make greater use of bilateral approaches to market access'. Treasury was wary of a shift in policy direction: 'It is likely that

pursuing a bilateral approach at the expense of a multilateral approach would be at a cost to Australia's economic welfare'.⁶⁴

An emphasis on bilateral relations was also reflected in government decisions in regard to Indonesia and India during 1996. In May, the National Security Committee (NSC) of Cabinet agreed that the security agreement signed between Australia and Indonesia in December 1995 'be used to build up with Indonesia a strategic relationship as far up the spectrum of security relationships as possible'. A joint memorandum by the departments of foreign affairs and trade and defence noted that the security agreement had represented 'a major policy departure for both countries: for Indonesia, because of its historical preference for "non-alignment" and for Australia, because of a degree of longstanding public ambivalence about Indonesia'.⁶⁵ In November, the NSC approved a strategy of expanded ministerial contacts and 'high-level dialogue' with India. A submission by the Foreign Affairs Minister, Alexander Downer, and Fischer observed that in the past the relationship between Australia and India had been 'sporadic and insubstantial'. There were impediments to overcoming this, most substantively 'differences on disarmament and non-proliferation'. Another sensitivity was Australia's stance on India's claims for membership of APEC. PM&C cautioned: 'India is still highly protectionist ... [and] would be a drag on the pace of liberalisation in APEC if it were a member'.⁶⁶

Notwithstanding a stress on bilateral relationships, the government committed Australia to international cooperative efforts. In February 1997, following a request from the United Kingdom, Cabinet endorsed a decision of the NSC to deploy a small Australian Defence Force (ADF) contingent within the British contribution to a NATO-led peace-keeping force in Bosnia.⁶⁷ Later that year, Cabinet also agreed to Australia participating in a truce monitoring group on Bougainville while simultaneously affirming that 'the preservation of Papua New Guinea's sovereignty over Bougainville would be a constant objective of Australia's policy'.⁶⁸ Furthermore, in October 1997, Cabinet agreed to ratify the Comprehensive Nuclear Test-Ban Treaty (CTBT). In advocating ratification, Downer proudly noted that Australia had 'played a prominent role in the treaty's negotiation and adoption' and that it reflected the 'culmination of efforts by successive Australian governments since the early 1970s to promote a global ban on nuclear weapons test explosions'. He also informed colleagues that Australia would be the third-largest participant in the treaty's 'verification regime' behind the US and Russia.⁶⁹

While there was longstanding (and bipartisan) consensus on the CTBT, there was disagreement within the government in the second half of 1997 about whether Australia should become party to an international agreement prohibiting Anti-Personnel Landmines (APL). A joint submission in August by Downer and the Defence Minister, Ian McLachlan, reflected the differences. It noted that Foreign Affairs regarded the primary issue to be 'whether humanitarian concerns over APL should override their military utility'. Downer recommended Australia participate fully at a forthcoming conference in Oslo that was the final negotiating forum for a convention on the elimination of APL. By contrast, McLachlan's preferred position was that Australia decline to participate at Oslo. Though supporting a global prohibition of APL, Defence believed that fundamental flaws in the treaty text to be considered at Oslo would jeopardise it producing an effective and enforceable ban while compromising Australia's combat capacity. Cabinet decided that Australia should participate at Oslo.⁷⁰ Following that conference, Cabinet also agreed to sign the resulting Ottawa Treaty (meaning the ADF's stockpile of ADL was to be destroyed). A second submission by Downer and McLachlan on the issue had reported to Cabinet that the Australian delegation had contributed to improvements to the treaty text at Oslo, including 'a significantly strengthened verification regime'. Though stopping short of recommending that Australia not sign the convention, Defence noted that the effect would be to 'deny the ADF a capability which it judges potentially useful and present challenges to the ADF in its responsibility for the military security of Australia and potential difficulties in cooperation with allies'.⁷¹

Defence had been sheltered from budget savings in 1996, but this did not mean it was immune from scrutiny of its use of resources. In October, McLachlan established an efficiency review to devise a strategy to 'ensure that Defence is clearly focused on its core functions and is well placed to meet the strategic challenges of the future'. In April 1997, McLachlan secured endorsement from Cabinet for reforms recommended by the review to address

inefficiencies in the structure and administration of the services and the Defence Department and the 'use of outdated work practices'. He informed Cabinet that the reforms would deliver substantial savings and reduce the number of civilian and military personnel employed in administration related roles. The military personnel would be largely reassigned to combat and combat support functions.⁷² The NSC also received positive progress reports on two major defence procurement projects: Collins Class submarines (the first of the submarines was provisionally accepted into the naval service in July 1996) and Anzac ships.⁷³ In March 1997, however, Cabinet deferred a decision on the acquisition of Offshore Patrol Vessels (OPV). McLachlan had advised against the acquisition, observing that the required investment would 'preclude the development of capabilities which have a clearly higher priority'. At the same time, he acknowledged downsides to his recommendation, not least that Malaysia expected a collaborative OPV project with Australia. This issue concerned other departments. Foreign affairs and trade warned of the negative impact on bilateral relations with Malaysia.⁷⁴

Cabinet also addressed matters related to compensation for military personnel. In September 1996, it rejected a proposal by the Minister for Veterans' Affairs, Bruce Scott, to provide benefits and treatment for children of Vietnam veterans suffering spina bifida. In the wake of developments in the US, Scott had requested an expert committee investigate evidence of 'the possible relationship between exposure to herbicides in Vietnam and the presence of spina bifida in the children of Vietnam veterans'. The committee found there was not sufficient evidence to establish a 'causal connection'. Yet Scott suggested that, because of the US precedent and because there were still 'plausible war-related explanations' for an increase in spina bifida incidence, it was not viable to provide 'no additional benefits on the basis of herbicide exposure'. His recommendation was vigorously contested. Finance commented that the 'provision of benefits in circumstances where there are no clear links represents poor public policy'.⁷⁵ There was also scepticism from departments, including PM&C, Finance and Treasury, towards a June 1997 proposal by the Minister for Defence Industry, Science and Personnel, Bronwyn Bishop, for a backdated increase in military compensation benefits available to ADF personnel. Bishop advised Cabinet that the Black Hawk helicopter accident of June 1996 had 'highlighted certain inadequacies in compensation for military staff' and with the 'anniversary [of that crash] looming, expectations are high'. Cabinet supported a modified arrangement for improved payments and sanctioned the development of 'a single, self-contained military compensation scheme for peacetime service'.⁷⁶

A conservative or liberal government?

The first-term Howard government dealt with a number of issues pertaining to the appropriate scope of individual rights and freedoms. Some of these matters simultaneously involved federal-state relations. Gun policy was an early example. Another was the Northern Territory's legalisation of voluntary euthanasia in 1995. An early expression of the Howard Cabinet's desire to frustrate the Northern Territory law was its authorisation in June 1996 of the Minister for Health and Family Services, Michael Wooldridge, to consult with the Australian Medical Association and other relevant bodies about 'whether the procedures for euthanasia are clinically relevant in terms of the *Health Insurance Act 1973*'. Contingent on the results of that consultation, Wooldridge was charged 'to ensure that Medicare benefits are not paid for services where euthanasia occurs, or bring back the issue to Cabinet for further consideration'.⁷⁷ This was a precursor to a member of the Howard government introducing a private member's Bill to the federal parliament the passage of which in 1997 voided the Northern Territory law and thus terminated its short-lived euthanasia regime.

Personal liberties were also in the spotlight after Cabinet asked the Attorney-General, Daryl Williams, in mid-1996 for a submission designed to implement the government's election commitment to prohibit X-rated videos.⁷⁸ That commitment was based on concerns about the availability of sexually violent material on video. When Williams reported to Cabinet in early 1997, however, he signalled complexities in fulfilling the election pledge. First, Australia's censorship regime was a 'cooperative one' with the states and territories and the Australian Capital Territory and Northern Territory, which were the two jurisdictions that permitted the sale and hire of X-rated videos, would 'not agree to a ban'. Second, it appeared the election policy had been predicated on a misapprehension since the X-classification was 'reserved for

sexually explicit material and cannot contain any depiction of sexualised violence or coercion'. While Williams identified potential further restrictions to 'the type of material allowed in "X" (for example, by removing some mild fetishes, including any depictions containing or implying bondage)', there was a notable strain of discomfort in the submission. He believed there was not 'sufficient grounds ... to deny adults access to the type of material currently contained in the "X" classification'. Indeed, such a ban 'could open the Government to the charge that it is heralding a new oppressive censorship regime'. Nevertheless, Cabinet resolved that Williams negotiate with the states and the territories to ban X-rated videos 'and the creation of a new category for non-violent sexually explicit videos'.⁷⁹

A further proposal for tighter censorship came before Cabinet in late 1996 in the form of a submission by the Minister for Communications and the Arts, Richard Alston, for the regulation of narrowcast service programming. A catalyst had been the launch in August of an adult erotica pay television service, 'Nightmoves', which industry reported had secured an estimated 13,000 subscribers. Whereas broadcasters were prohibited from screening X-rated programs and were required to modify R-rated programs to comply with the Adult Only classification, these regulations did not apply to narrowcast services. Alston recommended remedying that discrepancy by imposing corresponding restrictions on narrowcast services. Cabinet 'indicated a disposition to agree'. This was despite PM&C opposing that move in relation to R-rated material. It objected that this would curtail 'the freedom of choice of consumers' and not only bar adult erotica programming but 'the narrowcast of uncut versions of R-rated films regarded as having high cultural and artistic merit'.⁸⁰

How to most appropriately protect freedom of political speech was another issue that Cabinet grappled with in late 1996. This was in the context of two cases before the High Court that had the potential to overturn decisions by the court in 1994 that had recognised the Constitution provided a defence to defamation action in respect to political communication. In an October submission, Williams explained that it was necessary to resolve whether the Commonwealth's intervention in the current High Court cases should be in favour of freedom of political speech and, if so, whether that ought to be through either 'the development of the common law of qualified privilege covering political material' or by supporting the court's 1994 interpretations. While Williams believed there was no question that the Commonwealth support freedom of political speech, he proposed this should be through the former option and that it argue before the High Court against the 1994 judgements, which had been 'based on a process of constitutional interpretation which has serious, widespread and undesirable implications for Commonwealth powers generally and for the respective roles of the Parliament and the High Court in our constitutional system'. Yet Williams was cognisant that such a stance was vulnerable to criticism that it was 'inconsistent with the Government's stated policy of encouraging free speech'.⁸¹ Notwithstanding that concern, Cabinet endorsed his recommendation while committing the government to renewing efforts to secure uniform defamation laws across Australia that included a defence of freedom of political speech corresponding to that afforded by the 1994 judgements.

Into 1998

As it neared its second anniversary, the Howard government could claim it had begun to change the country through key achievements such as uniform gun laws, fiscal consolidation and industrial relations reform. Yet by latter 1997, the aura of impregnability the Coalition had enjoyed following its March 1996 landslide election victory had been punctured. Its adaptation to office had been bumpy. The year 1997 had been something of an *annus horribilis* for the government. Four ministers were lost between July and September as a result of breaches of the ministerial code of conduct and travel claim irregularities.⁸² The government had also fallen behind Labor in the opinion polls. Howard subsequently linked the ebbing of public support by mid-1997 to the Coalition's 'drift' over native title policy in the wake of the Wik decision.⁸³

The challenges lying ahead were also large. In the face of accusations of a lack of reform vision, the prime minister and Treasurer had placed a consumption tax back on the government's agenda: a development that unnerved backbench members. The stalemate over native title was yet to be resolved, a showdown with the trade union movement over workplace practices on the waterfront threatened, the government awaited the outcome of the

Kyoto meeting on climate change concerned that it would produce an international agreement leaving Australia out on a limb, and the Coalition was menaced by an insurgency on the conservative side of politics led by Pauline Hanson. If few would have banked on Howard becoming a long-term prime minister at the end of 1997, the Cabinet papers from his first two years in office suggest he headed a government sure of its fundamental values and imbued by a powerful sense of conviction. These would provide ballast and direction for navigating a course through the policy conundrums and political vagaries of 1998 and beyond.

¹ Quoted in John Howard, *Lazarus Rising: A Personal and Political Autobiography*, HarperCollins, 2013, p. 252.

² Quoted in Wayne Errington and Peter van Onselen, *John Winston Howard: The Definitive Biography*, Melbourne University Press, 2007, p. 219.

³ Quoted *ibid.*, p. 219.

⁴ Quoted *ibid.*, p. 229.

⁵ National Archives of Australia (NAA): A14217, 2558, Cabinet Submission 2558 – A world class system of parks and reserves – Decision 4844.

⁶ NAA: A14217, 2559, Cabinet Submission 2559 – Conservation outside reserves – Decision 4845; NAA: A14217, 2560, Cabinet Submission 2560 – Sustainable Rural Nation – revised package – Decision 4846.

⁷ Quoted in Troy Bramston, *Paul Keating: The Big-Picture Leader*, Scribe, 2016, p. 623.

⁸ Andrew Robb, 'Learning from campaigns' in Tom Frame (ed.), *The Ascent to Power, 1996: The Howard Government Volume 1*, UNSW Press, 2017, pp. 77-8.

⁹ Philip Alpers and Zareh Ghazarian, 'From Policy Inertia to World Leader: Australia's "Perfect Storm" of Gun Control' in Joannah Luetjens, Michael Mintrom and Paul 't Hart (eds), *Successful Public Policy: Lessons from Australia and New Zealand* (forthcoming 2019).

¹⁰ Howard, *Lazarus Rising*, p. 289.

¹¹ NAA: A14370, JH1996/74, Cabinet Decision JH96/0074/CAB – Port Arthur tragedy – Without Submission.

¹² NAA: A14370, JH1996/199, Cabinet Decision JH96/0199/CAB – Gun control – public information campaign – Without Submission.

¹³ NAA: A14370, JH1996/207, Cabinet Decision JH96/0207/CAB – Gun control – further issues – Without Submission.

¹⁴ NAA: A14370, JH1996/234, Cabinet Submission JH96/0234 – 1996-1997 Budget – Attorney General's New Policy Proposal – cost to be included in the Gun Levy – Decisions JH96/0234/ER, JH96/0234/ER/2, 0234CAB/3.

¹⁵ NAA: 14370, JH1996/255, Cabinet Submission JH96/0255 – Report of Ministerial Committee on the portrayal of violence – Decision JH96/0255/CAB.

¹⁶ Ian Ward, 'Political Chronicle: January – June 1996, Commonwealth', *Australian Journal of Politics and History*, vo. 42, no. 3, August 1996, p. 406.

¹⁷ NAA: A14370, JH1996/13, Cabinet Submission JH96/0013 – Economic and fiscal outlook and budget strategy – Decision 0013/CAB.

¹⁸ NAA: A14370, JH1996/153, Cabinet Submission JH96/0153 – 1996-1997 Budget – Defence portfolio synopsis – Decisions JH96/0153/ER and JH96/0153/CAB/2.

¹⁹ NAA: A14370, JH1996/115, Cabinet Submission JH96/0115 – 1996-1997 Budget – Employment, Education, Training and Youth Affairs portfolio – major savings proposal – University operating grants – Decision JH96/0115/ER; NAA: A14370, JH1996/117, Cabinet Submission JH96/0117 – 1996-1997 Budget – Employment, Education, Training and Youth Affairs portfolio – major savings proposal – Higher Education Contribution Scheme (HECS) – No Decision.

²⁰ NAA: A14370, JH1996/119, Cabinet Submission JH96/0119 – 1996-1997 Budget – Health and Family Services major savings proposal – Medicare efficiency package – Decision JH96/0119/ER.

²¹ NAA: A14370, JH1996/154, Cabinet Submission JH96/0154 – 1996-1997 Budget – Communications and the Arts major savings proposal – reduce budget funding for the ABC and SBS – Decision JH96/0154/ER.

²² NAA: A14370, JH1996/260/1, Cabinet Submission JH96/0260 – 1996-1997 Budget – Communications and the Arts major savings proposal – reduce budget funding for the ABC and SBS – further options – Decisions JH96/0260/ER, JH96/0260/CAB/3 and JH96/0260/CAB/4.

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- ²³ NAA: A14370, JH1996/137, Cabinet Submission JH96/0137 – 1996-1997 Budget – Social Security major savings proposal – cease unemployment benefits after 12 months – Decision JH96/0137/ER.
- ²⁴ NAA: A14370, JH1996/139, Cabinet Submission JH96/0139 – 1996-1997 Budget – Social Security major savings proposal – alternative to ceasing unemployment payments after 12 months – Decision JH96/0139/ER.
- ²⁵ NAA: A14370, JH1996/394, Cabinet Submission JH96/0394 – Charter of Budget Honesty – Decision JH96/0394/AH.
- ²⁶ NAA: A14370, JH1996/033, Cabinet Submission JH96/0033 – Amendments to the Telstra Corporation Act 1991 to permit sale of one third of Telstra – Decision JH96/0033/CAB.
- ²⁷ NAA: A14370, JH1996/137, Cabinet Submission JH96/0137 – Partial sale of Telstra – estimated sale costs – Decisions JH96/0137/CAB and JH96/0137/CAB/2.
- ²⁸ NAA: A14370, JH1996/532, Cabinet Submission JH96/0532 – Future of Commonwealth’s rail interest – Decision JH96/0532/CAB; NAA: A14370, JH1997/273, Cabinet Submission JH97/0273 – Corporatisation of the Snowy Mountains Hydro-Electric Scheme Decision JH97/0273/CAB.
- ²⁹ NAA: A14370, JH1996/224, Cabinet Submission JH96/0224 – The future of ANL Limited – No Decision.
- ³⁰ NAA: A14370, JH1997/584, Cabinet Decisions JH97/0584/CAB, JH97/0584/CAB/2, JH97/0584/CAB/3, JH97/0584/CAB/4, JH97/0584/CAB/5, JH97/0584/CAB/6, JH97/0584/CAB/7, JH97/0584/CAB/8, JH97/0584/CAB/9, JH97/0584/CAB/9, JH97/0584/CAB/10, JH97/0584/CAB/11, JH97/0584/CAB/12, JH97/0584/CAB/13, JH97/0584/CAB/14 and JH97/0585/CAB/15 – Waterfront Reform – Without Submission.
- ³¹ NAA: A14370, JH1996/226, Cabinet Submission JH96/0226 – Options for 1996-1997 Migration Programme – Decision JH96/0226/CAB; NAA: A14370, JH1996/161, Cabinet Submission JH96/0161 – 1996-1997 Migration Programme – Decision JH96/0161/CAB.
- ³² NAA: A14370, JH1997/198, Cabinet Submission JH97/0198 – 1997-1998 Migration Program – Decision JH97/0198/CAB; NAA: A14370, JH1997/191, Cabinet Submission JH97/0191 – 1997-998 Humanitarian Program – No Decision.
- ³³ NAA: A14370, JH1997/384/1, Cabinet Submission JH97/0384 – Measures to enhance control of the Migration Program and entry criteria – Decision JH97/0384/CAB.
- ³⁴ NAA: A14370, JH1997/174, Cabinet Submission JH97/0174 – Youth unemployment short term options – Decisions JH97/0174/ER, JH97/0174/AH/2, JH97/0174/CAB/3 and JH97/0174/E/4.
- ³⁵ NAA: A14370, JH1997/95, Cabinet Submission JH97/0095 – Reference copy of Work for the Dole – Decisions JH97/0095/CAB/2 and JH97/0095/E.
- ³⁶ NAA: A14370, JH1997/439, Cabinet Memorandum JH97/0439 – Work incentives – Decision JH97/0439/E.
- ³⁷ NAA: A14370, JH1997/308, Cabinet Decision JH97/0308/CAB – Government response to the Industry Commission report on the Automotive Industry – Without Submission.
- ³⁸ NAA: A14370, JH1996/20, Cabinet Submission JH96/0020 – Amendment of the Aboriginal and Torres Strait Islander Commission Act 1989 – Decision JH96/0020/CAB.
- ³⁹ NAA: A14370, JH1996/69, Cabinet Submission JH96/0069 – Native Title Act 1993 – proposed amendments – Decisions JH96/0069/CAB, JH96/0069/CAB/2 and JH96/0069/CAB/3.
- ⁴⁰ NAA: A14370, JH1996/69, Cabinet Submission JH96/0069 – Native Title Act 1993 – proposed amendments – Decisions JH96/0069/CAB, JH96/0069/CAB/2 and JH96/0069/CAB/3.
- ⁴¹ NAA: A14370, JH1996/196, Cabinet Memorandum JH96/0196 – Pastoral leases and native title – ways to expedite High Court determination – Decision JH96/0196/CAB.
- ⁴² John Howard, ‘The view from Kirribilli’ in Tom Frame (ed.), *The Ascent to Power, 1996: The Howard Government Volume 1*, UNSW Press, 2017, p. 258.
- ⁴³ NAA: A14370, JH1997/7, Cabinet Decision JH97/0007/CAB – Native Title/Wik Decision – Without Submission.
- ⁴⁴ NAA: A14370, JH1997/276, Cabinet Decisions JH97/0276/CAB, JH97/0276/CAB/2, JH97/0276/CAB/3 and JH97/0276/CAB/4 – Commonwealth response to the Wik decision – Without Submission.
- ⁴⁵ NAA: A14370, JH1997/462, Cabinet Decisions JH97/0462/CAB, JH97/0463/CAB/2, JH97/0462/CAB/3, JH97/0462/CAB/4, JH97/0462/CAB/5, JH97/0462/CAB/5,

JH97/0462/CAB/6, JH97/0462/CAB/7, JH97/0462/CAB/8, JH97/0462/CAB/9, JH97/0462/CAB/10 and JH97/0462/MIN/11 – Native Title Bill 1997 – further consideration of Senate amendments – reintroduction of the Bill, and associated issues – Without Submission.

⁴⁶ NAA: A14370, JH1997/462, Cabinet Decisions JH97/0462/CAB, JH97/0463/CAB/2, JH97/0462/CAB/3, JH97/0462/CAB/4, JH97/0462/CAB/5, JH97/0462/CAB/5, JH97/0462/CAB/6, JH97/0462/CAB/7, JH97/0462/CAB/8, JH97/0462/CAB/9, JH97/0462/CAB/10 and JH97/0462/MIN/11 – Native Title Bill 1997 – further consideration of Senate amendments – reintroduction of the Bill, and associated issues – Without Submission.

⁴⁷ NAA: A14370, JH1996/270, Cabinet Submission JH96/0270 – National Inquiry into Separation of Aboriginal and Torres Strait Islander children from their families – Decision JH96/0270/CAB.

⁴⁸ NAA: A14370, JH1997/528, Cabinet Submission JH97/0528 – Government response to the Human Rights and Equal Opportunity Commission’s Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families “Bringing Them Home” – Decisions JH97/0528/CAB and JH97/0528/CAB/2.

⁴⁹ NAA: A14370, JH1997/350, Cabinet Submission JH97/0350 – Long Term Structure and Functions of the Human Rights and Equal Opportunity Commission (HREOC) – Decision JH97/0350/CAB/2.

⁵⁰ NAA: A14370, JH1996/56, Cabinet Submission JH96/0056 – Forests policy – implementation of government commitments – Decision JH96/0056/CAB; NAA: A14370, JH1996/197, Cabinet Decision JH96/0197/CAB – Woodchip licence policy’ – Without Submission; NAA: A14370, JH1996/469, Cabinet Submission JH96/0469 – Proposal for implementing the National Pollutant Inventory – Decision JH96/0469/CAB.

⁵¹ NAA: A14370, JH1996/585, Cabinet Submission JH96/0585 – World Heritage nomination of the Sydney Opera House in its Harbour Setting – Decision JH96/0585/CAB.

⁵² Howard, *Lazarus Rising*, p. 260.

⁵³ NAA: A14370, JH1996/602, Cabinet Submission JH96/0602 – Arrangements for the Natural Heritage Trust of Australia – Decision JH96/0602/CAB.

⁵⁴ NAA: A14370, JH1997/90, Cabinet Submission JH97/0090 – 1997-1998 Budget – Natural Heritage Trust forward estimates – Decisions JH97/0090/ER and JH97/0090/ER/2.

⁵⁵ NAA: A14370, JH1996/134, Cabinet Submission JH96/0134 – Climate change – approach to international negotiations – Decision JH96/0134/CAB.

⁵⁶ NAA: A14370, JH1996/432, Cabinet Submission JH1997/0432 – Report from the Minister for the Environment on the Second Conference of the Parties to the Framework Convention on Climate Change in Geneva – Decision JH96/0432/CAB.

⁵⁷ NAA: A14370, JH1997/285, Cabinet Submission JH97/0285 – Climate change – approach to international negotiations – further submission – Decision JH97/0285/CAB.

⁵⁸ NAA: A14370, JH1996/341, Cabinet Memorandum JH96/0341 – Climate Change – approach to international negotiations – Decision JH96/0341/CAB.

⁵⁹ NAA: A14370, JH1996/341, Cabinet Memorandum JH96/0341: – Climate Change – approach to international negotiations – Decision JH96/0341/CAB.

⁶⁰ NAA: A14370, JH1997/447, Cabinet Memorandum JH97/0447 – An analysis of the costs of Greenhouse Reduction Policies – No Decision; NAA: A14370, JH1997/471, Cabinet Memorandum JH97/0471 – Refined new domestic greenhouse measures – No Decision.

⁶¹ Errington and van Onselen, *John Winston Howard*, pp. 239 and 308.

⁶² NAA: A14370, JH1996/58, Cabinet Submission JH96/0058 – Asia-Pacific Economic Cooperation (APEC) – Australia’s individual action plan – Decision JH96/0058/CAB.

⁶³ NAA: A14370, JH1996/505, Cabinet Submission JH96/0505 – Asia-Pacific Economic Cooperation (APEC) – 1996 November meetings – Decision JH96/0505/CAB.

⁶⁴ NAA: A14370, JH1996/425, Cabinet Submission JH96/0425 – Australia’s trade policy – Decision JH96/0425/CAB.

⁶⁵ NAA: A14370, JH1996/62, Cabinet Memorandum JH96/0062 – Australia-Indonesia agreement for maintaining security – Decision JH96/0062/NS.

⁶⁶ NAA: A14370, JH1996/486, Cabinet Submission JH96/0486 – Reference copy of Australia-India relations – Decision JH96/0486/NS.

⁶⁷ NAA: A14370, JH1997/29, Cabinet Decisions JH97/0029/NS and JH97/0029/CAB/2 – United Kingdom request for Australian Defence Force (ADF) deployment to the former Yugoslavia – Without Submission.

⁶⁸ NAA: A14370, JH1997/525, Cabinet Decisions JH97/0525/CAB and JH97/0525/CAB/2 – Bougainville – possible Australian involvement in Truce Monitoring Group – Without Submission.

⁶⁹ NAA: A14370, JH1997/492, Cabinet Submission JH97/0492 – Ratification and implementation of the Comprehensive Nuclear Test-Ban Treaty (CTBT) – Decision JH97/0492/CAB.

⁷⁰ NAA: A14370, JH1997/377, Cabinet Submission JH97/0377 – Anti-Personnel Landmines (APL) – Decision JH97/0377/CAB.

⁷¹ NAA: A14370, JH1997/532, Cabinet Submission JH97/0532 – Anti-Personnel Landmines (APL) – Ottawa Treaty – Decision JH97/0532/CAB.

⁷² NAA: A14370, JH1997/167, Cabinet Submission JH97/0167 – Future directions for the management of Australia's Defence – the Defence Efficiency Review – Decision JH97/0167/CAB.

⁷³ NAA: A14370, JH1996/111/1, Cabinet Memorandum JH96/0111 – Progress report on the new submarine project – Decision JH96/0111/NS; NAA: A14370, JH1997/130, Cabinet Memorandum JH97/0130 – Progress report – new submarine project – Decision JH97/0130/NS; NAA: A14370, JH1996/112, Cabinet Memorandum JH96/0112 – Progress report on the ANZAC Ship Project – Decision JH96/0112/NS.

⁷⁴ NAA: A14370, JH1997/80, Cabinet Submission JH97/0080 – Offshore Patrol Combatant Project – Decisions JH97/0080/CAB and JH97/0080/CAB/2.

⁷⁵ NAA: A14370, JH1996/433, Cabinet Submission JH97/433 – Agent Orange and birth defects – Decision JH97/433/CAB.

⁷⁶ NAA: A14370, JH1997/295, Cabinet Submission JH97/0295 – Inquiry into military compensation arrangements – Decision JH97/0295/CAB.

⁷⁷ NAA: A14370, JH1996/229, Cabinet Decisions JH96/0229/CAB (Amended), JH96/0229/CAB/2 and JH96/0229/CAB/3 – Euthanasia – Commonwealth position on constitutional challenge – Without Submission.

⁷⁸ NAA: A14370, JH1996/294, Cabinet Decision JH96/0294/CAB – X-rated videos – Without Submission.

⁷⁹ NAA: A14370, JH1997/164, Cabinet Submission JH97/0164 – X-rated videos – Decisions JH97/0164/CAB and JH97/0164/CAB/2.

⁸⁰ NAA: A14370, JH1996/579, Cabinet Submission JH96/0579 – X and R rated material on narrowcast broadcasting services – Decision JH96/0579/CAB.

⁸¹ NAA: A14370, JH1996/498, Cabinet Submission JH96/0498 – Freedom of political speech – Commonwealth position on re-opening of High Court decisions – Decision JH96/0498/CAB.

⁸² Ian Ward, 'Political Chronicles: Commonwealth of Australia, July to December 1997', *Australian Journal of Politics and History*, vol. 44, no. 2, 1998, p. 233.

⁸³ Howard, *Lazarus Rising*, p. 323.