

1996-97-98

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 175

THURSDAY, 2 JULY 1998

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Right Honourable Ian Sinclair) took the Chair, and read Prayers.

2 PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1998

Mr Truss (Minister for Customs and Consumer Affairs), for Mr Anderson (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend or repeal various Acts administered by the Department of Primary Industries and Energy, and for related purposes.

Bill read a first time.

Mr Truss moved—That the Bill be now read a second time.

Paper

Mr Truss presented an explanatory memorandum to the Bill.

Debate adjourned (Mr O'Connor), and the resumption of the debate made an order of the day for the next sitting.

3 CUSTOMS LEGISLATION AMENDMENT BILL (NO. 1) 1998

Mr Truss (Minister for Customs and Consumer Affairs) presented a Bill for an Act to amend legislation relating to Customs, and for related purposes.

Bill read a first time.

Mr Truss moved—That the Bill be now read a second time.

Paper

Mr Truss presented an explanatory memorandum to the Bill.

Debate adjourned (Mr O'Connor), and the resumption of the debate made an order of the day for the next sitting.

4 LIFE INSURANCE (CONDUCT AND DISCLOSURE) BILL 1998

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), pursuant to notice, presented a Bill for an Act relating to the conduct of, and the disclosure

of information by, life companies, life brokers and life insurance advisers, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the Bill.

Debate adjourned (Mr O'Connor), and the resumption of the debate made an order of the day for the next sitting.

5 PUBLICATIONS COMMITTEE—19TH REPORT

Mr Lieberman (Chair) presented the following paper:

PUBLICATIONS COMMITTEE 19TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered petitions and documents presented to the Parliament since 25 May 1998, recommends that the following be printed:

Aboriginal Deaths in Custody—Royal Commission—Implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody—Australian Capital Territory—Report for 1996-97.

Aboriginal Land Rights (Northern Territory) Act—Aboriginal Land Commissioner—Report for 1996-97 and the period 1 July to 24 October 1997.

Australian Institute of Health and Welfare Act—Australian Institute of Health and Welfare—Australia's health 1998—Sixth biennial report.

Australian National University Act—Australian National University—Report for 1997.

Australian Science, Technology and Engineering Council Act—Australian Science, Technology and Engineering Council—Report—Environmental research ethics: National principles and guidelines for the ethical conduct of research in protected and environmentally sensitive areas.

Higher Education Funding Act 1988—Determinations made under the Act—Report for 1997.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Inquiry into complaints of discrimination in employment and occupation—Report—Discrimination on the ground of sexual preference (Report no. 6).

Maritime College Act—Australian Maritime College—Report for 1997.

National Health and Medical Research Council Act—National Health and Medical Research Council—Report for 1997.

Torres Strait Fisheries Act—Protected Zone Joint Authority—Report—1995-96.
1996-97.

University of Canberra Act—University of Canberra—Report for the period 1 January to 30 November 1997.

LOU LIEBERMAN

Chair

2 July 1998

Mr Lieberman, by leave, moved—That the report be agreed to.

Question—put and passed.

6 TREATIES—JOINT STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS—MOTIONS TO TAKE NOTE OF PAPERS

Mr Taylor (Chair) presented the following papers:

Treaties—Joint Standing Committee—Reports, evidence received by the committee and minutes of proceedings—

15th report, incorporating a dissenting report, June 1998.

16th report—OECD Convention on Combating Bribery and draft implementing legislation, June 1998.

Ordered—That each of the reports be printed.

Mr Taylor, Mr Adams, Mr Hardgrave and Mr McClelland, by leave, made statements in connection with the reports.

Mr Taylor moved—That the House take note of each of the reports.

Mr Taylor was granted leave to continue his speech when each debate is resumed.

Debate on each motion was adjourned, and the resumption of each debate made an order of the day for the next sitting.

7 MEMBERS' INTERESTS COMMITTEE—PAPER

Mr Reid (Chair) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 38th Parliament—Notifications of alterations of interests received during the period 8 April to 1 July 1998.

8 PARLIAMENTARY ZONE—APPROVAL OF PROPOSALS

Mr Somlyay (Minister for Regional Development, Territories and Local Government), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposals for works in the Parliamentary Zone which were presented to the House on 22 and 25 June 1998, namely:

- (a) introduction of parking restrictions at East Block carpark;
- (b) introduction of parking restrictions at West Block western carpark access road;
- (c) construction of an international flag display on the Lake Burley Griffin foreshore;

- (d) construction of pedestrian and cycle access, Commonwealth Avenue Bridge and Kings Avenue Bridge approaches;
- (e) demolition of old Parliament House Annex;
- (f) refurbishment of old Parliament House Library external works; and
- (g) revised proposal to undertake minor roadworks in front of old Parliament House.

Question—put and passed.

9 JOINT COMMITTEES—PUBLICATION OF REPORTS DURING NON-SITTING PERIOD

Mr Reith (Leader of the House), pursuant to notice, moved—

- (1) That, if the House is not sitting when any committee consisting of Members of the House and Senators has completed a report of an inquiry, the committee may send the report to the Speaker, or, in the absence or unavailability of the Speaker, to the Deputy Speaker. Upon receipt of the report by the Speaker or Deputy Speaker:
 - (a) the publication of the report is authorised by this resolution; and
 - (b) the Speaker or Deputy Speaker, as the case may be, is authorised to give directions for the printing and circulation of the report.
- (2) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.
- (3) That a message be sent to the Senate acquainting it of this resolution.

Question—put and passed.

10 GENERAL PURPOSE STANDING COMMITTEES—PUBLICATION OF REPORTS DURING NON-SITTING PERIOD

Mr Reith (Leader of the House), pursuant to notice, moved—

- (1) That, if the House is not sitting when a committee appointed pursuant to Standing Order 28B has completed a report of an inquiry, the committee may send the report to the Speaker, or, in the absence or unavailability of the Speaker, to the Deputy Speaker. Upon receipt of the report by the Speaker or Deputy Speaker:
 - (a) the publication of the report is authorised by this resolution; and
 - (b) the Speaker or Deputy Speaker, as the case may be, is authorised to give directions for the printing and circulation of the report.
- (2) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

Question—put and passed.

11 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' ORDER OF THE DAY

The order of the day having been read for the resumption of the debate on the motion of Mr Reith (Leader of the House)—That so much of the standing and sessional orders be suspended as would prevent order of the day No. 28, private Members' business, for the second reading of the Adelaide Airport Curfew Bill 1998, being called on forthwith and the bill proceeding through all stages without delay—

Debate resumed.

Question—put and passed.

12 ADELAIDE AIRPORT CURFEW BILL 1998

The order of the day having been read for the second reading—Mrs Gallus moved—That the Bill be now read a second time.

Debate ensued.

Question—put and passed—Bill read a second time.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Tanner, by leave, moved Opposition amendments (1) and (2) as circulated, together.

Debate continued.

Question—That the amendments be agreed to—put.

The House divided (the Deputy Speaker, Mr Nehl, in the Chair)—

AYES, 47

Mr Adams	Mr M. J. Evans	Mr Lee	Mr Price
Mr Albanese	Mr M. J. Ferguson	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Beddall	Mr E. L. Grace*	Mr McLeay	Mr Sercombe
Mr Bevis	Mr Griffin*	Mr McMullan	Mr A. C. Smith
Mr Brereton	Mr Hatton	Mr Martin	Mr S. F. Smith
Mr Brown	Mr Hollis	Mr Melham	Mr Tanner
Mr Crean	Mr Jenkins	Mr A. A. Morris	Dr Theophanous
Mrs Crosio	Mr Jones	Mr P. F. Morris	Mr Willis
Mr Dargavel	Mr Kerr	Mr Mossfield	Mr Wilton
Ms Ellis	Mr Latham	Mr O'Connor	Mr Zammit
Mr G. J. Evans	Dr Lawrence	Mr O'Keefe	

NOES, 79

Mr Abbott	Mrs Draper	Mr Lieberman	Mr Ronaldson
Mr J. N. Andrew	Mrs Elson	Mr Lindsay	Mr Ruddock
Mr K. J. Andrews	Mr Entsch	Mr Lloyd	Mr Sharp
Mr Anthony	Mr R. D. C. Evans	Mr McArthur*	Mr Slipper*
Mrs Bailey	Mr Fahey	Mr McDougall	Mr W. L. Smith
Mr R. C. Baldwin	Mr Forrest	Mr McGauran	Mr Somlyay
Mr Barresi	Mrs Gallus	Mr Marek	Dr Southcott
Mr Bartlett	Ms Gambaro	Mr Miles	Mrs Stone
Mr Billson	Mrs Gash	Mr Moore	Mrs Sullivan
Mrs Bishop	Mr Georgiou	Mrs Moylan	Mr Taylor
Mr Broadbent	Mrs E. J. Grace	Mr Mutch	Mr A. P. Thomson
Mr Brough	Mr Hardgrave	Mr Nairn	Mr Truss
Mr Cadman	Mr Hawker	Dr Nelson	Mr Tuckey
Mr E. H. Cameron	Mr Hicks*	Mr Neville	Mr M. A. J. Vaile
Mr R. A. Cameron	Mr Hockey	Mr Nugent	Mrs D. S. Vale
Mr Causley	Ms Jeanes	Mr Prosser	Mr Wakelin
Mr Charles	Mrs Johnston	Mr Pyne	Mrs West
Mr Cobb	Mr Jull	Mr Randall	Mr Williams
Mr Costello	Mr Katter	Mr Reid	Ms Worth
Mr Downer	Dr Kemp	Mr Reith	

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mrs Gallus, the Bill was read a third time.

13 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Zammit moved—That so much of the standing and sessional orders be suspended as would prevent order of the day No. 11, private Members' business, for the second reading of the Sydney Airports Bill 1998, being called on forthwith and the bill proceeding through all stages without delay.

Closure of Member

Mr Cadman (Parliamentary Secretary to the Minister for Workplace Relations and Small Business) moved—That the Member be not further heard.

Question—put and passed.

Mr A. C. Smith (seconder) addressing the House—

Closure of Member

Mr Cadman moved—That the Member be not further heard.

Question—put.

The House divided (the Deputy Speaker, Mr Nehl, in the Chair)—

AYES, 75

Mr Abbott	Mrs Draper	Dr Kemp	Mr Reith
Mr J. N. Andrew	Mrs Elson	Mr Lieberman	Mr Ronaldson
Mr Anthony	Mr Entsch	Mr Lindsay	Mr Ruddock
Mrs Bailey	Mr R. D. C. Evans	Mr Lloyd	Mr Sharp
Mr R. C. Baldwin	Mr Fahey	Mr McArthur*	Mr Slipper*
Mr Barresi	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mr Bartlett	Mrs Gallus	Mr McGauran	Dr Southcott
Mr Billson	Mrs Gash	Mr Marek	Mrs Stone
Mrs Bishop	Mr Georgiou	Mr Miles	Mrs Sullivan
Mr Broadbent	Mrs E. J. Grace	Mr Moore	Mr A. P. Thomson
Mr Brough	Mr Hardgrave	Mrs Moylan	Mr Truss
Mr Cadman	Mr Hawker	Mr Mutch	Mr Tuckey
Mr E. H. Cameron	Mr Hicks*	Mr Nairn	Mr M. A. J. Vaile
Mr R. A. Cameron	Mr Hockey	Dr Nelson	Mrs D. S. Vale
Mr Causley	Ms Jeanes	Mr Neville	Mr Wakelin
Mr Charles	Mrs Johnston	Mr Nugent	Mrs West
Mr Cobb	Mr Jull	Mr Prosser	Mr Williams
Mr Costello	Mr Katter	Mr Randall	Ms Worth
Mr Downer	Miss J. M. Kelly	Mr Reid	

NOES, 48

Mr Adams	Mr M. J. Evans	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Filing	Mr McClelland	Mr Quick
Mr Beddall	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Bevis	Mr E. L. Grace*	Mr McLeay	Mr Sercombe
Mr Brereton	Mr Griffin*	Mr McMullan	Mr A. C. Smith
Mr Brown	Mr Hatton	Mr Martin	Mr S. F. Smith
Mr Crean	Mr Hollis	Mr Melham	Mr Tanner
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Dr Theophanous
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Willis
Ms Ellis	Mr Kerr	Mr Mossfield	Mr Wilton
Mr G. J. Evans	Mr Latham	Mr O'Connor	Mr Zammit

* Tellers

And so it was resolved in the affirmative.

Closure

Mr Cadman moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Deputy Speaker, Mr Nehl, in the Chair)—

AYES, 78

Mr Abbott	Mrs Draper	Dr Kemp	Mr Ronaldson
Mr J. N. Andrew	Mrs Elson	Mr Lieberman	Mr Ruddock
Mr K. J. Andrews	Mr Entsch	Mr Lindsay	Mr Sharp
Mr Anthony	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper*
Mrs Bailey	Mr Fahey	Mr McArthur*	Mr W. L. Smith
Mr R. C. Baldwin	Mr Forrest	Mr McDougall	Mr Somlyay
Mr Barresi	Mrs Gallus	Mr McGauran	Dr Southcott
Mr Bartlett	Mrs Gash	Mr Marek	Mrs Stone
Mr Billson	Mr Georgiou	Mr Miles	Mrs Sullivan
Mrs Bishop	Mrs E. J. Grace	Mr Moore	Mr A. P. Thomson
Mr Broadbent	Mr Halverson	Mrs Moylan	Mr Truss
Mr Brough	Mr Hardgrave	Mr Mutch	Mr Tuckey
Mr Cadman	Mr Hawker	Mr Nairn	Mr M. A. J. Vaile
Mr E. H. Cameron	Mr Hicks*	Dr Nelson	Mr D. S. Vale
Mr R. A. Cameron	Mr Hockey	Mr Neville	Mr Wakelin
Mr Causley	Ms Jeanes	Mr Nugent	Mrs West
Mr Charles	Mrs Johnston	Mr Prosser	Mr Williams
Mr Cobb	Mr Jull	Mr Randall	Ms Worth
Mr Costello	Mr Katter	Mr Reid	
Mr Downer	Miss J. M. Kelly	Mr Reith	

NOES, 48

Mr Adams	Mr M. J. Evans	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Filing	Mr McClelland	Mr Quick
Mr Beddall	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Bevis	Mr E. L. Grace*	Mr McLeay	Mr Sercombe
Mr Breerton	Mr Griffin*	Mr McMullan	Mr A. C. Smith
Mr Brown	Mr Hatton	Mr Martin	Mr S. F. Smith
Mr Crean	Mr Hollis	Mr Melham	Mr Tanner
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Dr Theophanous
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Willis
Ms Ellis	Mr Kerr	Mr Mossfield	Mr Wilton
Mr G. J. Evans	Mr Latham	Mr O'Connor	Mr Zammit

* Tellers

And so it was resolved in the affirmative.

14 **MEMBER NAMED AND SUSPENDED**

The Deputy Speaker named the Member for Lowe (Mr Zammit) for persistently disregarding the authority of the Chair.

Mr Cadman (Parliamentary Secretary to the Minister for Workplace Relations and Small Business) moved—That the Member for Lowe be suspended from the service of the House.

Question—put and passed.

The Member was, therefore, suspended at 12.01 p.m. for 24 hours under standing order 305.

Mr Zammit refusing to withdraw from the Chamber, the Deputy Speaker ordered the Serjeant-at-Arms to direct the Member to leave the Chamber.

Mr Zammit then withdrew from the Chamber.

15 RURAL ADJUSTMENT AMENDMENT BILL 1998

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Debate adjourned (Mr Cadman—Parliamentary Secretary to the Minister for Workplace Relations and Small Business), and the resumption of the debate made an order of the day for a later hour this day.

16 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

The Deputy Speaker having drawn the attention of the House to the fact that the question on the suspension of standing and sessional orders moved by Mr Zammit had not been resolved (*see item No. 13*)—

Question—put.

The House divided (the Deputy Speaker, Mr Nehl, in the Chair)—

AYES, 44

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr O'Connor
Mr Albanese	Mr Filing	Mr Lee	Mr O'Keefe
Mr Beddall	Mr Fitzgibbon	Mr McClelland	Mr Price
Mr Brereton	Mr E. L. Grace*	Ms Macklin	Mr Quick
Mr Brown	Mr Griffin*	Mr McLeay	Mr Sawford*
Mr Crean	Mr Hatton	Mr McMullan	Mr Sercombe
Mrs Crosio	Mr Hollis	Mr Martin	Mr S. F. Smith
Mr Dargavel	Mr Jenkins	Mr Melham	Mr Tanner
Ms Ellis	Mr Jones	Mr A. A. Morris	Dr Theophanous
Mr G. J. Evans	Mr Kerr	Mr P. F. Morris	Mr Willis
Mr M. J. Evans	Mr Latham	Mr Mossfield	Mr Wilton

NOES, 75

Mr Abbott	Mrs Elson	Dr Kemp	Mr Reith
Mr J. N. Andrew	Mr Entsch	Mr Lieberman	Mr Ronaldson
Mr K. J. Andrews	Mr R. D. C. Evans	Mr Lindsay	Mr Ruddock
Mr Anthony	Mr Fahey	Mr Lloyd	Mr Sharp
Mrs Bailey	Mr Fischer	Mr McArthur*	Mr Slipper*
Mr R. C. Baldwin	Mr Forrest	Mr McGauran	Mr W. L. Smith
Mr Barresi	Mrs Gallus	Mr Marek	Mr Somlyay
Mr Bartlett	Mrs Gash	Mr Miles	Dr Southcott
Mr Billson	Mr Georgiou	Mr Moore	Mrs Stone
Mrs Bishop	Mrs E. J. Grace	Mrs Moylan	Mrs Sullivan
Mr Broadbent	Mr Hardgrave	Mr Mutch	Mr A. P. Thomson
Mr Brough	Mr Hawker	Mr Nairn	Mr Truss
Mr Cadman	Mr Hicks*	Dr Nelson	Mr M. A. J. Vaile
Mr E. H. Cameron	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr R. A. Cameron	Ms Jeanes	Mr Nugent	Mr Wakelin
Mr Causley	Mrs Johnston	Mr Prosser	Mrs West
Mr Charles	Mr Jull	Mr Pyne	Mr Williams
Mr Cobb	Mr Katter	Mr Randall	Dr Wooldridge
Mrs Draper	Miss J. M. Kelly	Mr Reid	

* Tellers

And so it was negated.

17 RURAL ADJUSTMENT AMENDMENT BILL 1998

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

18 QUESTIONS

Questions without notice being asked—

Paper

Mr Beazley (Leader of the Opposition), by leave, presented the following paper:

Waterfront strategy—Paper for distribution to Mr Howard (Prime Minister), Mr Sharp (Minister for Transport), Mr Reith (Minister for Industrial Relations), Greg Bondar and Peter Wilson.

Questions without notice continuing—

Member ordered to withdraw

At 3.12 p.m. the Member for Hotham (Mr Crean) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continued.

19 PRIME MINISTER—MOTION OF CENSURE

Mr Beazley (Leader of the Opposition), by leave, moved—That this House censures the Prime Minister for:

- (1) his authorisation and funding of a secret Government strategy to provoke an industrial dispute involving stevedores dismissing their employees and rehiring new non-union workers under different arrangements;
- (2) his evasive denials of the existence of such a strategy;
- (3) his willingness to embark upon potentially illegal actions in contravention of the Workplace Relations Act, and the potential exposure of the Commonwealth, and all taxpayers, to substantial damages;
- (4) the collusion between the Government and Patrick Stevedoring in, and Government encouragement and foreknowledge of, a scheme to sack Patrick's workforce and replace it with an alternative workforce; and
- (5) undermining the employment security of all Australian workers through the use of aggressive tactics involved in the strategy adopted on the waterfront.

Debate ensued.

Question—put.

The House divided (the Speaker, Mr Sinclair, in the Chair)—

AYES, 44

Mr Adams	Mr G. J. Evans	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	Mr E. L. Grace*	Mr McLeay	Mr Sawford*
Mr Beddall	Mr Griffin*	Mr McMullan	Mr Sercombe
Mr Brereton	Mr Hatton	Mr Martin	Mr S. F. Smith
Mr Brown	Mr Hollis	Mr Melham	Mr Tanner
Mr Crean	Mr Jenkins	Mr A. A. Morris	Dr Theophanous
Mrs Crosio	Mr Jones	Mr P. F. Morris	Mr K. J. Thomson
Mr Dargavel	Mr Kerr	Mr Mossfield	Mr Willis
Ms Ellis	Mr Latham	Mr O'Connor	Mr Wilton

NOES, 84

Mr Abbott	Mrs Elson	Miss J. M. Kelly	Mr Reith
Mr Anderson	Mr Entsch	Dr Kemp	Mr Rocher
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lieberman	Mr Ruddock
Mr K. J. Andrews	Mr Fahey	Mr Lindsay	Mr Sharp
Mr Anthony	Mr Fischer	Mr Lloyd	Mr Slipper*
Mrs Bailey	Mr Forrest	Mr McArthur*	Mr W. L. Smith
Mr R. C. Baldwin	Mrs Gallus	Mr McGauran	Mr Somlyay
Mr Barresi	Ms Gambaro	Mr Marek	Dr Southcott
Mr Bartlett	Mrs Gash	Mr Miles	Mrs Stone
Mr Billson	Mr Georgiou	Mr Moore	Mrs Sullivan
Mr Broadbent	Mrs E. J. Grace	Mrs Moylan	Mr Taylor
Mr Brough	Mr Halverson	Mr Mutch	Mr A. P. Thomson
Mr Cadman	Mr Hardgrave	Mr Nairn	Mr Truss
Mr E. H. Cameron	Mr Hawker	Mr Nehl	Mr Tuckey
Mr R. A. Cameron	Mr Hicks*	Dr Nelson	Mr M. A. J. Vaile
Mr Causley	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr Charles	Mr Howard	Mr Nugent	Mr Wakelin
Mr Cobb	Ms Jeanes	Mr Prosser	Mrs West
Mr Costello	Mrs Johnston	Mr Pyne	Mr Williams
Mr Downer	Mr Jull	Mr Randall	Dr Wooldridge
Mrs Draper	Mr Katter	Mr Reid	Ms Worth

* Tellers

And so it was negated.

20 PRIVILEGE—COMPLAINT OF BREACH

Mr Crean raised the possible misleading of the House by Mr Howard (Prime Minister) and Mr Reith (Minister for Workplace Relations and Small Business) and asked the Speaker whether a matter of privilege was involved.

The Speaker stated that he would consider the matter and report to the House at a later time.

21 PAPER

The Speaker presented the following paper:

Committee reports—Schedule of outstanding Government responses to reports of House of Representatives and joint committees, also incorporating reports tabled and details of Government responses made in the period 4 December 1997 to 1 July 1998, 1 July 1998.

22 PAPERS

The following papers were presented:

Department of Defence—Special purpose flights—Schedule for period 1 July to 31 December 1997.

Employment, Education, Training and Youth Affairs—Australia's young people: Towards independence—A report on youth affairs, June 1998.

Family and Community Affairs—Standing Committee—

Report, October 1997—Health on line: Health information management and telemedicine—Government response, July 1998.

Report, November 1997—Mens' health—Summary report of a seminar—Government response.

Law Reform Commission Act—Australian Law Reform Commission—Report No. 85—Australia's federal record: A review of *Archives Act 1983*.

Petitions not in accord with standing and sessional orders of the House—

Request for the federal Parliament to pass a bill removing the United Nations flag and its treaty jurisdiction from Australia (Mrs D. M. Kelly, 1 petitioner).

Opposition to the placement of a parallel runway at Brisbane Airport and request for flight paths for the planned runway to be released forthwith (Mr McDougall and Mr Bevis, 1360 and 198 petitioners, respectively).

Members of Cranbourne Secondary College and community expressing a sincere apology to the 'stolen generation' (Mr Reith, 544 petitioners).

Request for high priority funding and policy support for a quality public education system (Ms Worth, 53 petitioners).

23 SUSPENSION OF STANDING ORDERS 48A AND 103

Mr Reith (Leader of the House), by leave, moved—That standing order 48A (adjournment and next meeting) and standing order 103 (new business) be suspended for this sitting.

Question—put and passed.

24 SPECIAL ADJOURNMENT

Mr Reith (Leader of the House) moved—That the House, at its rising, adjourn until Monday, 10 August 1998, at 12.30 p.m., unless otherwise called together by the Speaker, or, in the event of the Speaker being unavailable, by the Deputy Speaker.

Question—put and passed.

25 LEAVE OF ABSENCE TO ALL MEMBERS

Mr Reith (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

26 CONSTITUTIONAL CONVENTION—PAPERS AND MINISTERIAL STATEMENT

Mr Williams (Attorney-General) presented the following papers:

Constitutional Convention—Report—

Volume 1—Report of proceedings;

Volume 2—Appendices;

Volume 3—Transcript of proceedings—Week 1, 2 to 6 February 1998; and

Volume 4—Transcript of proceedings—Week 2, 9 to 13 February 1998—

and, by leave, made a ministerial statement in connection with the papers.

Mr Melham, by leave, also made a statement in connection with the papers.

27 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—NEWLY EMERGING REGISTERED POLITICAL GROUPS

The House was informed that both Mr K. J. Andrews and Mr Beazley (Leader of the Opposition) had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, the Speaker had given priority to the matter proposed by Mr K. J. Andrews, namely, “The need for newly emerging registered political groups such as Pauline Hanson’s One Nation Party to behave in a responsible manner by explaining their corporate structure, by avoiding the use of overseas tax havens and by not being of a basically undemocratic nature”.

The proposed discussion having received the necessary support—

Mr K. J. Andrews addressed the House.

Discussion ensued.

Discussion concluded.

28 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the question asked earlier today by Mr Crean as to whether Mr Howard (Prime Minister) or Mr Reith (Minister for Workplace Relations and Small Business) had breached privilege or committed a contempt in connection with statements that were made to the House.

The Speaker stated that he had examined the paper tabled during question time by Mr Beazley (Leader of the Opposition) and indicated it was not clear what the status of the paper was or what it established. Accordingly the Speaker was not satisfied that prima facie evidence such as would cause him to allow precedence to a motion had been presented.

29 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 3, government business, be postponed until a later hour this day.

30 CORPORATE LAW ECONOMIC REFORM BILL 1998

Mr Costello (Treasurer), pursuant to notice, presented a Bill for an Act to amend the Corporations Law and the *Australian Securities and Investments Commission Act 1989*, and for related purposes.

Bill read a first time.

Mr Costello moved—That the Bill be now read a second time.

Paper

Mr Costello presented an explanatory memorandum to the Bill.

Debate adjourned (Mr M. J. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

31 TAXATION LAWS AMENDMENT BILL (NO. 5) 1998

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the Bill.

Debate adjourned (Mr M. J. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

32 MESSAGE FROM THE SENATE—AVIATION LEGISLATION AMENDMENT BILL (NO. 2) 1997

A message from the Senate was reported returning the following Bill with amendments:

2 July 1998—Message No. 553—Aviation Legislation Amendment (No. 2) 1997.

Ordered—That the amendments be considered at a later hour this day.

33 MESSAGE FROM THE SENATE—CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 1997

A message from the Senate was reported returning the following Bill with amendments:

2 July 1998—Message No. 554—Crimes Amendment (Forensic Procedures) 1997.

Ordered—That the amendments be considered at a later hour this day.

34 CUSTOMS LEGISLATION (AUTOMOTIVE COMPETITIVENESS AND INVESTMENT SCHEME) BILL 1998

Mr Moore (Minister for Industry, Science and Tourism) presented a Bill for an Act to amend Customs legislation to establish the Automotive Competitiveness and Investment Scheme, and for related purposes.

Bill read a first time.

Mr Moore moved—That the Bill be now read a second time.

Paper

Mr Moore presented an explanatory memorandum to the Bill.

Debate adjourned (Mr M. J. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

35 MESSAGES FROM THE SENATE

Messages from the Senate, 2 July 1998, were reported returning the following Bills without amendment:

Message—

No. 549—Veterans' Entitlements Amendment (Gold Card) 1998.

No. 550—National Measurement Amendment 1998.

No. 551—Taxation Laws Amendment (Landcare and Water Facility Tax Offset) 1998.

No. 552—Family Law Amendment (No. 1) 1998.

36 SUSPENSION OF SITTING

At 6.22 p.m. the Deputy Speaker left the Chair.

FRIDAY, 3 JULY 1998

37 RESUMPTION OF SITTING

The Speaker resumed the Chair at 9.30 a.m.

38 SUSPENSION OF STANDING AND SESSIONAL ORDERS—NATIVE TITLE AMENDMENT BILL 1997 [NO. 2]

Mr Williams (Attorney-General), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the moving forthwith of a motion:

- (a) rescinding the resolution of the House of 8 and 9 April 1998 to lay aside the Native Title Amendment Bill 1997 [No. 2];
- (b) requiring the amendments made by the Senate to the bill to be reconsidered forthwith;
- (c) enabling amendments to the bill not relevant to, or consequent upon, either the acceptance or the rejection of an amendment of the Senate to be moved;
- (d) allowing one motion to be moved in respect of all of the amendments; and
- (e) fixing time limits for the whole debate and speech time limits for Members speaking in the debate.

Question—put and passed.

39 NATIVE TITLE AMENDMENT BILL 1997 [NO. 2]

Mr Williams (Attorney-General) moved—That:

- (a) the resolution of the House of 8 and 9 April 1998 to lay aside the Native Title Amendment Bill 1997 [No. 2] be rescinded;
- (b) the amendments made by the Senate to the bill be reconsidered forthwith;
- (c) amendments to the bill not relevant to, or consequent upon, either the acceptance or the rejection of an amendment of the Senate may be moved by a Minister;
- (d) one motion may be moved in respect of all of the amendments;
- (e) debate on the motion continue for a period not exceeding 100 minutes with speech time limits as follows:
 - mover of motion—20 minutes
 - first Opposition Member speaking—20 minutes
 - next 2 Members speaking—15 minutes each
 - other Members—5 minutes each.

Question—put and passed.

40 **NATIVE TITLE AMENDMENT BILL 1997 [NO. 2]—SENATE'S AMENDMENTS—RECONSIDERATION**

The order of the day having been read for the reconsideration of the amendments made by the Senate—

Mr Howard (Prime Minister) moved—That:

- (a) the resolution of the House agreeing to certain Senate amendments be amended as follows—

from the list of Senate amendments formerly agreed to delete the following:

Govt (3); (9); (12); (14); (17); (19); (26); (29); (44); (51); (61); (70); (77); (78) and (87); Opp (N5); (N10) to (N16); (N19); (N45) to (N47); (RR101); (RR107); (RR110); (RN32) and (R114); and Dems-GWA (163);

and insert the following:

Opp (N6) to (N8); Dems-GWA (190)/Opp (223); Dems-GWA (192); Opp (129)/Dems-GWA (119); Opp (135)/Dems-GWA (125); Opp (137)/Dems-GWA (127) Opp (139)/Dems-GWA (129); Opp (140)/Dems-GWA (130); Opp (144); (149); (150); (159); (160); (166); (174) and (176); and Opp (354)/Dems-GWA (329);

- (b) the resolution of the House disagreeing to certain Senate amendments be amended as follows:

from the list of Senate amendments formerly disagreed to delete the following:

Opp (N6) to (N8); Dems-GWA (190)/Opp (223); Dems-GWA (192); Opp (129)/Dems-GWA (119); Opp (135)/Dems-GWA (125); Opp (137)/Dems-GWA (127); Opp (139)/Dems-GWA (129); Opp (140)/Dems-GWA (130); Opp (144); (149); (150); (159); (160); (166); (174); and (176); and Opp (354)/Dems-GWA (329);

and insert the following:

Govt (3); (9); (12); (14); (17); (19); (26); (29); (44); (51); (61); (70); (77); (78); and (87); Opp (N5); (N10) to (N16); (N19); (N45) to (N47); (RR101); (RR107); (RR110); (RN32); and Opp (R114); and Dems-GWA (163); and

- (c) the Government amendments Nos. H1 to H88 as circulated be agreed to.

Paper

Mr Howard presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

At 11.16 a.m., the time allotted for the debate having expired—

Question—put.

The House divided (the Speaker, Mr Sinclair, in the Chair)—

AYES, 81

Mr Abbott	Mrs Elson	Miss J. M. Kelly	Mr Sharp
Mr Anderson	Mr Entsch	Dr Kemp	Mr Slipper*
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lieberman	Mr W. L. Smith
Mr K. J. Andrews	Mr Fahey	Mr Lindsay	Mr Somlyay
Mr Anthony	Mr Filing	Mr Lloyd	Dr Southcott
Mr Bailey	Mr Fischer	Mr McArthur*	Mrs Stone
Mr R. C. Baldwin	Mr Forrest	Mr McDougall	Mrs Sullivan
Mr Barresi	Mrs Gallus	Mr McGauran	Mr Taylor
Mr Bartlett	Ms Gambaro	Mr Marek	Mr A. P. Thomson
Mr Billson	Mr Georgiou	Mr Miles	Mr Truss
Mrs Bishop	Mrs E. J. Grace	Mr Mutch	Mr Tuckey
Mr Broadbent	Mr Halverson	Mr Nairn	Mr M. A. J. Vaile
Mr Brough	Mr Hardgrave	Mr Nehl	Mrs D. S. Vale
Mr E. H. Cameron	Mr Hawker	Dr Nelson	Mr Wakelin
Mr R. A. Cameron	Mr Hicks*	Mr Neville	Mrs West
Mr Campbell	Mr Hockey	Mr Prosser	Mr Williams
Mr Causley	Ms Jeanes	Mr Pyne	Dr Wooldridge
Mr Charles	Mrs Johnston	Mr Randall	Ms Worth
Mr Cobb	Mr Jull	Mr Reith	
Mr Downer	Mr Katter	Mr Ronaldson	
Mrs Draper	Mrs D. M. Kelly	Mr Ruddock	

NOES, 42

Mr Adams	Mr G. J. Evans	Mr Lee	Mr Quick
Mr Albanese	Mr M. J. Ferguson	Mr McClelland	Mr Sawford*
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McLeay	Mr Sercombe
Mr Bevis	Mr E. L. Grace*	Mr McMullan	Mr S. F. Smith
Mr Bradford	Mr Griffin*	Mr Martin	Mr Tanner
Mr Breerton	Mr Hatton	Mr Melham	Dr Theophanous
Mr Brown	Mr Hollis	Mr A. A. Morris	Mr K. J. Thomson
Mr Crean	Mr Jenkins	Mr Mossfield	Mr Willis
Mrs Crosio	Mr Kerr	Mr O'Connor	Mr Wilton
Mr Dargavel	Mr Latham	Mr O'Keefe	
Ms Ellis	Dr Lawrence	Mr Price	

* Tellers

And so it was resolved in the affirmative.

Mr Reith (Leader of the House) presented the following reasons for the House of Representatives disagreeing to certain amendments of the Senate:

Reasons of the House of Representatives for disagreeing to certain amendments of the Senate

Racial Discrimination Act

Senate Amendment Opp(RN42)

The amendment replaces subsection 7(1) and provides that the Native Title Act 1993 (NTA) is intended to be read and construed subject to the provisions of the Racial Discrimination Act 1975 (RDA). The House of Representatives has modified this amendment and consequently the Senate version is rejected.

Confirmation**Senate Amendments Govt(3), Opp(N5), (N10) and Govt(9)**

These amendments, dealing with aspects of the definitions of ‘previous exclusive possession act’ and ‘scheduled interest’ respectively, have been modified by the House of Representatives and the Senate versions are consequently rejected.

Senate Amendment Opp(N3)

This amendment to subsection 23B(9A) removes Crown to Crown grants from the definition of ‘previous exclusive possession act’ until the grant is used for residential, agricultural or commercial purposes which would otherwise extinguish native title. The amendment has been modified by the House of Representatives and the Senate version is consequently rejected.

Senate Amendment Opp(RN2)

This amendment to subsection 23B(11) allows for revival of native title if the common law allows it. This Government does not believe that this reflects the current state of the common law so the amendment is rejected.

Indigenous land use agreements**Senate Amendments Govt(12), (14), (17) and (19), Opp(N11), (N12), (N13), (N14), (N15), (N16), (N46) and (N47)**

These amendments to the indigenous land use agreement provisions have been modified by the House of Representatives and the Senate versions are consequently rejected.

Senate Amendment Dems-GWA(163)

This amendment deals with the removal of ILUAs from the Register of Indigenous Land Use Agreements by the Federal Court. This amendment has been modified by the House of Representatives and the Senate version is consequently rejected.

Senate Amendments Dems-GWA(20), (21), (22), (25), (26) and (27)

These amendments to the ILUA provisions remove references to ‘future acts’. As ILUAs can already cover any matters relating to native title, the Senate amendments have been rejected by the House of Representatives as unnecessary.

Senate Amendments Dems-GWA(23), (24), (28) and (29)

These amendments to the ILUA provisions involve representative Aboriginal/Torres Strait Islander bodies in the making of ILUAs to a greater degree than is consistent with Government policy. They have been modified by the House of Representatives and the Senate versions are consequently rejected.

Senate Amendments Dems-GWA(30), (31) and (32A)

These amendments make technically incorrect cross-references to representative bodies and have been rejected by the House of Representatives.

Primary production**Senate Amendment Govt(26), Opp(N19)**

These amendments deal with an amended definition of ‘mine’ in section 253. As this definition has been slightly modified by the House of Representatives the Senate version has been rejected.

Senate Amendments Harradine(N1)/Opp(N17), Harradine(N2)/Opp(N18) and Harradine(R9)

These amendments, limiting the types/timing of primary production activities, have been modified by the House of Representatives and the Senate versions are consequently rejected.

Renewals**Senate Amendment Govt(29)**

This amendment to section 24IC in the Bill ensures that a future act which results in the conversion of a term mining lease into a perpetual mining lease is not a ‘permissible lease etc. renewal’ under section 24IC. There is some doubt as to whether this amendment was accepted by the Senate. Accordingly the House of Representatives has rejected that amendment and has made another amendment in the same terms.

Senate Amendment Opp(RN27)

This amendment, limiting the renewal of mining titles in section 26D, has been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendments Opp(N21), (N22), (RN23), Harradine(14)

These amendments to the provisions dealing with permissible lease etc. renewals in Subdivision I of Schedule 1, prevent renewals for a longer term than the original grant or the perpetuation of leases etc. The amendments have been modified by the House of Representatives and consequently the Senate versions are rejected.

Services to the public**Senate Amendment Opp(RR101)**

This amendment to section 24KA, which deals with facilities for services to the public, adds two subsections relating to procedural rights. This amendment has been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendments Opp(93), (94) and (95)/Dems-GWA(87)

These amendments to section 24KA limit the coverage of the provision. The amendments have been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendment Dems-GWA(92)/Opp(100)

This amendment to section 24KA gives native title holders the same procedural rights as freeholders on land where only co-existing native title is possible.

This amendment has been modified by the House of Representatives and consequently the Senate version is rejected.

Freehold test and offshore

Senate Amendments Opp(RR107) and (RR110)

These amendments to section 24MD and 24NA, which deal respectively with the treatment of acts passing the freehold test and acts affecting offshore places, add subsections relating to procedural rights. These amendments have been modified by the House of Representatives and consequently the Senate versions are rejected.

Senate Amendments Harradine(18) and (21)

These amendments to sections 24MD and 24NA attempt to ensure that the acquisition of native title is non-discriminatory, however, they are based on the mistaken belief that the only way in which non-native title interests are acquired by the Crown is through compulsory acquisition. These amendments have been modified by the House of Representatives and consequently the Senate versions are rejected.

Right to negotiate

Senate Amendment Govt(44)

This amendment to section 35 includes a reference to a deleted provision (section 34A) and, as it has been modified by the House of Representatives, the Senate version is rejected.

Senate Amendment Opp(N28)

This amendment has been rejected by the House of Representatives because it is unnecessary. The amendment removes a reference to section 34A in amendment Govt(44) which is also being rejected.

Senate Amendment Opp(R114)

This amendment to section 26, about whether or not a compulsory acquisition is for government purposes or for the benefit of a third party, has been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendments Harradine(22), Opp(201)/Dems-GWA(170), Opp(221)/Dems-GWA(188), Opp(287)/Dems-GWA(258)

These amendments to provisions dealing with the right to negotiate and the provision of infrastructure in Subdivision P have been modified in the House of Representatives and consequently the Senate versions are rejected.

Senate Amendments Opp(117)/Dems-GWA(107)/Harradine(23), Opp(200)/Dems-GWA(169), Opp(218)/Dems-GWA(185) and Opp(295)/Dems-GWA(265)

These amendments to provisions dealing with towns and cities in Subdivision P of Schedule 1, and section 251C have been modified by the House of Representatives and consequently the Senate versions are rejected. Amendment Opp(218)/Dems-GWA(185) also deletes section 251D which defines land

where public work is situated. The deletion of section 251D is contrary to Government policy and consequently this Senate amendment is also rejected.

Senate Amendments Opp(N24), (N25) and (N26)

These amendments to section 26A impose additional conditions on the Minister in relation to the making of a determination to exclude acts from the right to negotiate. These amendments have been modified by the House of Representatives and consequently the Senate versions are rejected.

Senate Amendments Opp(125)/Dems-GWA(114), Opp(126)/Dems-GWA(115), Opp(127)/Dems-GWA(116), Opp(134)/Dems-GWA(124) and Opp(170)/Dems-GWA(136)

These amendments relate to the effect of permitting conjunctive agreements in relation to the right to negotiate for the renewal of mining leases and exploration/prospecting tenements in sections 26D, 33 and 38. The amendments have been modified by the House of Representatives and consequently the Senate versions are rejected.

Senate Amendment Opp(152)

This amendment to subsection 36B(2) in relation to notice being given by the Minister to the arbitral body has been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendment Opp(142)

This amendment replaces the content of section 36 which requires arbitral body determinations to be made as soon as practicable. As the House of Representatives has made subsequent modifications to section 36, the Senate version is rejected.

Senate Amendments Opp(143), (145), (146), (147), (148), (151), (153), (154), (155), (156), (157), (158), (161), (162), (163), (164) and (165)

These amendments were made to section 36A which deals with a Ministerial determination where the arbitral body's determination is delayed. Section 36A has subsequently been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendment Opp(167)/Dems-GWA(135)

This amendment provides for a fourth kind of arbitral body determination, namely one which provides, where the parties agree, for particular matters to be the subject of further negotiations or determined in a specified manner. This amendment has been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendments Opp(172)/Dems-GWA(138) and Dems-GWA(137)

These amendments are made to section 39 which lists the criteria for making arbitral body determinations. As the amendments change the criteria to be considered by the arbitral body in unacceptable ways including potentially duplicating processes required under State/Territory environmental laws by requiring the arbitral body to consider environmental factors in detail, consequently the House of Representatives has rejected these amendments. The

amendment relating to the criteria referring to economic detriment of the proposed act has been modified by the House of Representatives and consequently the Senate version is rejected.

Senate Amendment Opp(173)

This amendment is made to section 40 which prevents the re-opening by an arbitral body of issues that have already been the subject of an agreement between the parties. The effect of this amendment is not clear and the amendment is rejected by the House of Representatives.

Senate Amendments Opp(118)/Dems-GWA(108)/Harradine(N3), Opp(178)/Dems-GWA(146)/Harradine(31), Opp(198)/Dems-GWA(167)/Harradine(52), Opp(203)/Dems-GWA(172)/Harradine(53) and Opp(355)/Dems-GWA(330)/Harradine(54)

These amendments relate to section 43A which provides procedural rights for native title holders in relation to mining on coexisting tenures at least equivalent to those of the coexisting tenure holder. These amendments have been modified by the House of Representatives and consequently the Senate versions have been rejected.

Senate Amendments Opp(R209) and (210)

These amendments are made to section 237 which relates to the expedited procedure. As the effect of these amendments have been modified by the House of Representatives the Senate versions have been rejected.

Senate Amendments Dems-GWA(268) and (270)

These amendments remove 2 items in the Bill which clarify the status of the intertidal zone between the high and low water marks. These amendments are rejected by the House of Representatives.

Statutory access rights

Senate Amendment Opp(N30)

This amendment to section 44A grants statutory access rights prior to a determination of native title to those native title claimants who have been either prevented by government action from accessing the pastoral lease or who had been refused access to the pastoral lease by the lessee or his agent. This amendment is contrary to the Government's 10-point plan as it does not limit statutory access to those who had access as at the date of the Wik decision. For this reason the amendment has been rejected by the House of Representatives.

Senate Amendment Opp(183)/Dems-GWA(151)

This amendment omits section 44C and has the effect that pastoralists could be vulnerable to common law actions by registered native title claimants who have been given statutory access to their pastoral lease in the time before their claim is finally determined by the court. The removal of this protection for pastoralists is contrary to Government policy and consequently the amendment is rejected by the House of Representatives.

*Compensation***Senate Amendments Govt(51) and Opp (RN32)**

These amendments are made to item 102, subsection 18AB(2) of the Federal Court of Australia Act 1976. The amendments permit the Federal Court to make rules providing an alternative procedure for small compensation claim applications. As these amendments have been modified by the House of Representatives, the Senate versions have been rejected.

Senate Amendment Opp(R188)

This amendment to subsection 51(1) confuses the compensation processes for impairment of native title with compensation for extinguishment of native title and is consequently rejected by the House of Representatives.

Senate Amendment Opp(N31)

This amendment to subsection 51(1A) confuses compensation for the effect on native title of an act done in accordance with NTA processes and other compensation which is payable for an invalid act (due to non-compliance with NTA processes). The amendment is therefore rejected by the House of Representatives.

*Claims process and the sunset clause***Senate Amendment Govt(61)**

This amendment to section 13 related to time limits for native title determination applications, including where sections 47A or 47B may apply. As the sunset clauses have been removed from the Bill this amendment is not now necessary and consequently has been rejected by the House.

Senate Amendment Dems-GWA (333)

This amendment omits a transitional provision related to subsection 50(2A) which deals with time limits for native title compensation applications but also removes an unrelated transitional provision which has to be retained. The House of Representatives has moved a separate amendment to remove the transitional item relating to the sunset clause. The Senate amendment is not now necessary and consequently has been rejected by the House.

*Registration test***Senate Amendments Govt(70), Opp(RN34) and (RN35)**

The latter two amendments were made to Amendment Govt(70) and attempted to insert into section 186 (which deals with the contents of the Register of Native Title Claims) provisions which the Government believes are of no legal effect. Amendment Govt(70) has been remade subsequently by the House of Representatives and the Senate version is therefore rejected. An additional amendment has been made by the House of Representatives which achieves the outcome intended by the other Senate amendments.

Senate Amendments Opp(N36) [as amended by Opp(N37)]

These amendments were made to section 190B and contain a reworking of the major elements of the registration test. As these amendments make traditional

physical connection an alternative to the Mabo test they have been further modified by the House of Representatives and the Senate version has been rejected.

Representative bodies

Senate Amendments Govt(77), (78) and Opp(N45)

These amendments to the provision dealing with the transfer of records from a former to a new representative body (section 203FC) are intended to ensure that the wishes of the traditional custodians of such information are taken into account in relation to the transfer. These amendments have been modified by the House of Representatives and consequently the Senate version is rejected.

Miscellaneous

Senate Amendment Govt(87)

This amendment to section 214, which lists the disallowable instruments in the NTA, has been modified by the House of Representatives and consequently the Senate version has been rejected.

Senate Amendment Opp(N49)

This amendment inserted a transitional provision which would have had the effect of validating and giving special treatment to one particular infrastructure project in Queensland. There was doubt about the provision's legal effectiveness and consequently the amendment was rejected by the House of Representatives.

41 PAPER

The following paper was presented:

Employment, Education and Training Act—National Board of Employment, Education and Training—Higher Education Council—12th Report on the operation of section 14 of the *Higher Education Funding Act 1988* and the Higher Education Contribution Scheme.

42 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Auditor-General Act—Auditor-General—Audit report No. 1 of 1998-99—Performance audit—Corporate governance framework: Australian Electoral Commission.

Ordered to be printed.

43 AVIATION LEGISLATION AMENDMENT BILL (NO. 2) 1997—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate—

On the motion of Mr Ronaldson (Parliamentary Secretary to the Minister for Transport and Regional Development), the amendments were agreed to.

44 CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 1997—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate—

On the motion of Mr Williams (Attorney-General), the amendments were agreed to.

45 ADJOURNMENT

Mr Williams (Attorney-General) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 11.28 a.m., adjourned until Monday, 10 August 1998, at 12.30 p.m., in accordance with the resolution agreed to this sitting.

PAPERS

The following papers were deemed to have been presented on 2 July 1998:

Aged Care Act—Principles 1998 Allocation Amendment (No. 1).

Airports Act—Regulations—Statutory Rules 1998 Nos. 207, 208, 209.

Airports (Transitional) Act—Regulations—Statutory Rules 1998 No. 206.

Australian Meat and Live-stock Industry Act—Regulations—Statutory Rules 1998 No. 202.

Australian Prudential Regulation Authority Act—Regulations—Statutory Rules 1998 No. 200.

Banking Act—Regulations—Statutory Rules 1998 No. 198.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1998 No. 213.

Civil Aviation Act—Civil Aviation Regulations—
Exemption 1998 No. 23.

Instruments 1998 Nos. CASA 205, CASA 206.

Cocos (Keeling) Islands Act—Ordinance 1998 No. 3.

Customs Act—Regulations—Statutory Rules 1998 Nos. 211, 212.

Dairy Produce Levy (No. 1) Act—Regulations—Statutory Rules 1998 No. 216.

Financial Sector Reform (Amendments and Transitional Provisions) Act—
Regulations—Statutory Rules 1998 No. 199.

Fishing Levy Act and Fisheries Management Act—Regulations—Statutory
Rules 1998 No. 205.

Health Insurance Act—Regulations—Statutory Rules 1998 Nos. 203, 204.

Lands Acquisition Act—Statement under section 40.

Laying Chicken Levy Act—Regulations—Statutory Rules 1998 No. 215.

Life Insurance Act—Regulations—Statutory Rules 1998 No. 191.

Migration Act—Regulations—Statutory Rules 1998 Nos. 210, 214.

Proclamation by His Excellency the Governor-General fixing 1 July 1998 as the date on which Schedule 2 of the *Trade Practices Amendment (Fair Trading) Act 1998* shall come into operation.

Public Service Act—Determinations 1998 Nos. SESROB 53, SESROB 54.

Student Assistance Act—Determination 1998 No. 2.

Superannuation (Productivity Benefit) Act—Determination—Statutory Rules 1998 No. 201.

Telecommunications Act 1997—Regulations—Statutory Rules 1998 No. 180.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Andren, Mr Dondas, Mr L. D. T. Ferguson, Mr Holding, Mr McLachlan and Mr Scott.

I. C. HARRIS

Clerk of the House of Representatives

1996-97-98

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 175

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 2 JULY 1998

1 The Main Committee met at 9.40 a.m.

2 **MEMBERS' STATEMENTS**

Members' statements were made.

3 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT ON SEMINAR ON THE ASIAN CURRENCY CRISIS AND ITS EFFECT ON AUSTRALIA—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Brereton—That the House take note of the paper (*presented on 25 May 1998*), viz.:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Asian currency crisis: Seminar on the Asian currency crisis and its effect on Australia, 19 March 1998—Report, May 1998—

Debate resumed.

Mr Nairn was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting.

4 **LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT ON ASPECTS OF FAMILY SERVICES—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr K. J. Andrews—That the House take note of the paper (*presented on 22 June 1998*), viz.:

Legal and Constitutional Affairs—Standing Committee—To have and to hold: Strategies to strengthen marriage and relationships—Report, June 1998—

Debate resumed.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting.

**5 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—
REPORT ON COPYRIGHT, MUSIC AND SMALL BUSINESS—MOTION TO TAKE
NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr K. J. Andrews—That the House take note of the paper (*presented on 1 June 1998*), viz.:

Legal and Constitutional Affairs—Standing Committee—Don't stop the music!—Inquiry into copyright, music and small business—Report, May 1998—

Debate resumed.

Debate adjourned (Mr Sawford), and the resumption of the debate made an order of the day for the next sitting.

**6 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—
REPORT ON RETENTION OF CENSUS DATA—MOTION TO TAKE NOTE OF
PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr K. J. Andrews—That the House take note of the paper (*presented on 25 May 1998*), viz.:

Legal and Constitutional Affairs—Standing Committee—Saving our census and preserving our history: Inquiry into the treatment of name-identified census forms—Report, May 1998—

Debate resumed.

Suspension of sitting

At 11.33 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 11.44 a.m., the proceedings were resumed.

Debate continued.

Suspension of sitting

At 11.45 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.06 p.m., the proceedings were resumed.

Debate continued.

Debate adjourned (Mr E. L. Grace), and the resumption of the debate made an order of the day for the next sitting.

7 TREATIES—JOINT STANDING COMMITTEE—INTERIM REPORT ON MULTILATERAL AGREEMENT ON INVESTMENT—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Taylor—That the House take note of the paper (*presented on 1 June 1998*), viz.:

Treaties—Joint Standing Committee—14th report—Multilateral agreement on investment—Interim report, May 1998—

Debate resumed.

Mr A. C. Smith addressing the Main Committee—

8 ADJOURNMENT

It being 12.30 p.m.—The question was proposed—That the Main Committee do now adjourn.

Debate ensued.

Suspension of sitting

At 12.36 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.48 p.m., the proceedings were resumed.

Debate continued.

Question—put and passed.

The Main Committee adjourned at 1.11 p.m.

B. C. WRIGHT
Clerk of the Main Committee