

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 165

MONDAY, 25 SEPTEMBER 1995

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Grace presented the following paper:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Visit of Defence Subcommittee to Exercise Kangaroo 95, 8-11 August 1995—Report, incorporating a dissenting report, September 1995.

Ordered to be printed.

Mr Sinclair, Mr Hicks, Mr Lieberman, Mr Hawker and Mr Simmons made statements in connection with the paper.

Mr Sinclair, by leave, again addressed the House.

Mr Grace moved—That the House take note of the paper.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Grace was granted leave to continue his speech when the debate is resumed.

3 **BANKING, FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Simmons (Chair) presented the following papers:

Banking, Finance and Public Administration—Standing Committee—Review of the Reserve Bank of Australia's 1993-94 annual report and the Insurance and Superannuation Commission's 1993-94 annual report—

Report, 18 September 1995.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Simmons made a statement in connection with the report.

Mr Simmons, by leave, again addressed the House.

Mr Bradford made a statement in connection with the report.

Mr Bradford, by leave, again addressed the House.

The time for the consideration of committee and delegation reports having expired—

Mr Simmons moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Simmons was granted leave to continue his speech when the debate is resumed.

4 MOBILE PHONE BASE STATIONS

The order of the day having been read for the resumption of the debate on the motion of Mr Abbott—That this House expresses concern about the exemptions and privileges now enjoyed by telecommunications carriers and calls on the Government to make the erection of mobile phone base stations subject to the consent of local councils—

Debate resumed.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Monday.

5 FRENCH NUCLEAR TESTS

Mr Brown, pursuant to notice, moved—That this House:

- (1) endorses the actions of the 35 Australian members of parliament who travelled to Tahiti to participate in protests against the decision by the French President, Jacques Chirac, to resume nuclear testing in Polynesia;
- (2) congratulates Franca Arena MLC for initiating the venture which grew to include Australian MPs from most political parties and most legislatures as well as MPs from seventeen other countries;
- (3) endorses the creation of Parliamentarians for a Nuclear Weapon Free World at Nuuroa Beach Park, Tahiti, on Sunday, 3 September 1995, and urges all parliamentarians to join it;
- (4) congratulates Oscar Temaru on being elected the inaugural president of the organisation and Australian Senator Bruce Childs on being elected the inaugural secretary;
- (5) congratulates Senator Tom Wheelwright and Ian Cohen MLC for their courage in joining a small Greenpeace vessel to sail to Mururoa Atoll in order to represent Australian MPs and to enhance the effectiveness of the protests against the tests; and
- (6) calls on President Chirac to halt these acts of violence against the people of the Pacific and against the conscience of the world.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Monday.

6 ATTENTION DEFICIT DISORDER

Mr R. D. C. Evans, pursuant to notice, moved—That this House:

- (1) acknowledges that attention deficit disorder (ADD) is a medical condition rather than a behavioural disorder;
- (2) expresses concern at the limited resources with federal and State government funding dealing specifically with ADD;
- (3) notes that an unreasonably large percentage of the community is affected by the medical condition ADD;
- (4) expresses concern at the ongoing social ramifications of ADD and the inadequate response of policy makers to cope with the condition;
- (5) expresses concern at the lack of specific funding within special education expenditure for children suffering ADD; and
- (6) calls upon the Government to review education expenditure with the intention to improve resources available to adequately address the needs of children suffering ADD.

Debate ensued.

Mr Cobb, who had already spoken, again addressed the House, by leave.

It being 2.45 p.m., the debate was interrupted in accordance with standing order 104A and the resumption of the debate made an order of the day for the next sitting Monday.

7 MEMBERS' STATEMENTS

Members' statements were made.

8 MINISTERIAL ARRANGEMENTS

Mr Keating (Prime Minister) informed the House that, during the absence abroad of Mr Punch (Minister for Defence Science and Personnel), Mr Beazley (Minister for Finance) would answer questions on his behalf.

9 QUESTIONS

Questions without notice were asked.

10 PRIVILEGE—COMPLAINT OF BREACH

Mr Holding raised, as a matter of privilege, the actions of Mr Aldred in having raised allegations against certain persons in respect of which the Minister for Justice had today informed the House that the Australian Federal Police had concluded the documents referred to and used by Mr Aldred were forgeries. Mr Holding stated that earlier allegations made by Mr Aldred had been considered by the Committee of Privileges. Mr Holding suggested that the most recent allegations amounted to an abuse of the rights and privileges of a Member of the House and asked that the matter be referred to the Committee of Privileges.

The Speaker stated that he would consider the matter and report to the House.

Mr Sinclair addressed the House on the matter.

11 PETITIONS

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Beale and Mr Reith, from 80 and 230 petitioners, respectively, praying for certain changes to the Family Law Act and the Child Support Scheme.

Mr Cadman and Mr Connolly, from 23 and 86 petitioners, respectively, praying that all three runways at Sydney (Kingsford-Smith) Airport be used.

Mr Anderson, from 64 petitioners, praying that the exclusiveness of marriage as being between one male and one female be preserved and that the Marriage Act be amended to prohibit certain marriages.

Mr J. N. Andrew, from 14 023 petitioners, praying that certain action be taken regarding proposals to extend the South Australian section of National Highway One.

Mr Bilney, from 108 residents of South Australia, praying that multilateral and bilateral diplomatic action be initiated to bring about the reversal of the French Government's decision to resume nuclear testing in the South Pacific.

Mr Cadman, from 59 petitioners, praying that the House call on the Minister for Human Services and Health to withdraw her endorsement of the sex guide published in the December 1994 issue of *Cleo* magazine and on the Prime Minister to indicate his disapproval of it.

Mr Hicks, from 57 petitioners, in similar terms.

Mr Cameron, from 87 residents of Western Australia, praying that action be taken to stop the practice in China of extracting bile from caged bears for medical purposes.

Mr Duncan, from 218 petitioners, praying that military exercises be confined to existing designated military training areas and military cooperation with Indonesia be suspended until an acceptable solution is found to the occupation of East Timor.

Mr M.J. Evans, from 3922 petitioners, praying that certain actions be taken on the implementation of the recommendations of the Human Rights and Equal Opportunity Commission's report on human rights and mental illness.

Ms Fatin, from 319 residents of Rockingham, WA, praying that the House protest to the French Government about its decision to resume nuclear testing in the Pacific.

Mr Ferguson, from 1098 residents of New South Wales, praying that the Adult Migrant English Service in Auburn, NSW, continue to be provided with at least the current level of funding.

Mr Hicks, from 225 petitioners, praying that the parental income and assets tests for Austudy applicants be abolished.

Mr Lee, from 533 residents of Harbord, NSW, praying that approval of the installation of a mobile telephone base station in Harbord Village be reversed.

Mr Mack, from 250 petitioners, praying that certain actions be taken to protect all native old growth, wilderness and other high conservation value forests in Australia.

Mr Mack, from 14 petitioners, praying that certain measures be taken that would prevent members of parliament, retired members and top bureaucrats from plundering the public purse.

Mr McLeay, from 836 electors of the Division of Watson, praying that economic and diplomatic sanctions be imposed against France in protest against the decision to resume nuclear testing in the Pacific.

Mr Nehl, from 523 residents of New South Wales, praying that the medication Pulmozyme be listed under the Pharmaceutical Benefits Scheme.

Mr Ruddock, from 40 petitioners, praying that certain actions be taken with respect to the application for refugee status by East Timorese in Australia.

Mr Slipper, from 10 electors of the Division of Fisher, praying that funding be allocated for the establishment of a nursing home in the Maleny area, Qld.

Mrs Sullivan, from 823 residents of Queensland, praying that telecasts of gay and lesbian mardi gras be banned from national television.

Mr Vaile, from 56 petitioners, praying that the proposed restriction of child care assistance if one parent is outside the workforce be opposed.

Mr Vaile, from 40 electors of the Division of Lyne, praying that the resumption of nuclear testing at Mururoa Atoll be condemned and that certain economic and military sanctions be placed on the French Government.

Petitions received.

12 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

It being 5.15 p.m., the debate was interrupted in accordance with standing order 106.

Question—That grievances be noted—put and passed.

13 MESSAGE FROM THE SENATE—TRANSPORT LEGISLATION AMENDMENT BILL (NO. 3) 1995

Message No. 541, dated 21 September 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the law relating to transport, and for other purposes*”.

Bill read a first time.

Papers: Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development) presented the following papers:

Explanatory memorandum.

Corrections to the explanatory memorandum.

Ordered—That the second reading be made an order of the day for the next sitting.

14 SYDNEY AIRPORT CURFEW BILL 1995

Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), for Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), pursuant to notice, presented a Bill for an Act to impose a curfew and related restrictions on aircraft movements at Sydney Airport, and for related purposes.

Bill read a first time.

Paper: Ms Crawford presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**15 VETERANS' AFFAIRS (1995-96 BUDGET MEASURES) LEGISLATION
AMENDMENT BILL 1995**

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.

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

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 308, dated 21 August 1995, recommending an appropriation for the purposes of the Bill; and

No. 309, dated 18 September 1995, recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Sciacca (Minister for Veterans' Affairs), by leave, moved the following amendments together:

Amendments—

Clause 2, page 2, subclause (3), line 6, omit “Schedules 2, 3 and 4”, substitute “Schedules 2, 3, 4 and 4A”.

Schedule 4—

Page 28, item 10, proposed subsection 38(1B), omit “subsection (1C)”, substitute “subsections (1C) and (1D)”.

Page 28, item 10, after proposed subsection (1C) add the following subsection:

“ ‘(1D) Subsection (1B) does not apply to a person whose partner is a veteran to whom section 24 applies.’ ”.

Page 31, after item 39 insert the following items:

**“39A. Point 42-C2 of the Rate Calculator in section 42
(Table C-1—item 3—column 8):**

Insert ‘woman’.

**39B. Point 42-C2 of the Rate Calculator in section 42
(Table C-1—item 7—column 4):**

Insert ‘man’.”.

Page 33, at the end of the Schedule add the following items:

**“60. Point 43-C2 of the Rate Calculator in section 43
(Table C-1—item 3—column 8):**

Insert ‘woman’.

**61. Point 43-C2 of the Rate Calculator in section 43
(Table C-1—item 7—column 4):**

Insert ‘man’.

62. Before section 197:

Insert in Part XII:

Saving and transitional provisions

'197A. The saving and transitional provisions in Schedule 5 have effect according to their terms.'

63. After Schedule 4:

Add:

'SCHEDULE 5

Section 197A

'SAVINGS AND TRANSITIONAL PROVISIONS**Service pensions—changes introduced on 1 October 1995**

'1.(1) Despite sections 41, 42, and 43, if:

- (a) a person was receiving a service pension immediately before 1 October 1995; and
 - (b) the person was a member of a couple immediately before 1 October 1995; and
 - (c) the person's partner was not, immediately before 1 October 1995, receiving a social security pension, a service pension or an income support supplement; and
 - (d) the amount that was the person's maximum basic rate in respect of the service pension for the last payment period before 1 October 1995 exceeds the amount of the person's maximum basic rate on 1 October 1995; and
 - (e) the amount of that excess exceeds, in relation to a particular period, the sum of:
 - (i) the increased amounts (if any) for the original components of the rate of service pension payable to the person in respect of the payment period; and
 - (ii) the new components (if any) of the rate of service pension payable to the person in respect of the payment period; and
 - (iii) the increased amounts (if any) for those new components; and
 - (f) this clause has not ceased to apply to the person because of subclause (2);
- in calculating the amount of service pension payable to the person in respect of the payment period, an amount equal to the difference between:
- (g) the amount of the excess referred to in paragraph (d); and
 - (h) the sum referred to in paragraph (e);
- is to be added to the person's maximum basic rate.

'(2) This clause ceases to apply if:

- (a) the person ceases to receive that service pension; or
- (b) the person ceases to be a member of that couple; or
- (c) the person's partner receives a social security pension, a service pension or an income support supplement.

'(3) In this clause:

increased amount, in relation to an original component or a new component, means the amount (if any) by which the amount of the component exceeds the lowest amount of the component payable in any payment period ending after 1 October 1995.

original component means:

- (a) a person's maximum basic rate that was used in calculating the person's rate of service pension for the last payment period before 1 October 1995; or
- (b) an additional amount that was added to the person's maximum basic rate in calculating the person's rate of service pension for that payment period.

new component means:

- (a) any additional amount that, in calculating a person's rate of service pension, is added to the person's maximum basic rate, being an additional amount that would not have been so added in respect of the last payment period before 1 October 1995; or
- (b) any amount by which a person's rate of service pension has increased as a result of a change in the person's circumstances on or after 1 October 1995.

payment period means the period in respect of which a payment of service pension is payable.'."

New schedule—

After Schedule 4 insert the following Schedule:

“SCHEDULE 4A

Section 3

CONSEQUENTIAL AMENDMENT OF THE SOCIAL SECURITY ACT 1991 RELATING TO SERVICE PENSIONS

“1. Paragraph 771HA(1)(c):

After ‘age pension,’ insert ‘service pension,’.”

Paper: Mr Sciacca presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Sciacca, by leave, the Bill was read a third time.

16 ADJOURNMENT

Mr Sciacca (Minister for Veterans' Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 25 September 1995:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal 1995 No. 24.

Export Control Act—Export Control Orders 1995 No. 2.

Parliament Act—Parliamentary Zone—Proposal to remove two Lombardy poplars adjacent to the King George V Memorial in Parkes, ACT.

Superannuation Benefits (Supervisory Mechanisms) Act—Determination 1995 No. 1.

World Heritage Properties Conservation Act—Notices (3), 15 September 1995.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr K. J. Andrews, Mr Brereton, Mr Campbell, Mr Connolly, Mr Crean, Mr Dobie, Ms Fatin, Mr Free, Mr Gear, Mr Gorman, Mr Griffiths, Mr Johns, Mr Jull, Mr Katter, Dr Kemp, Mr Langmore, Mr Latham, Mr Lee, Mr Lindsay, Mr Lloyd, Mr O'Connor, Mr Punch, Mrs Sullivan, Mr Tanner, Mr Thomson, Mr Walker and Mr Willis.

L. M. BARLIN

Clerk of the House of Representatives