

1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 17

TUESDAY, 18 JUNE 1996

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

**2 MINISTERIAL ARRANGEMENTS**

Mr Fischer (Deputy Prime Minister) informed the House that, during the absence of Mr Howard (Prime Minister), he would answer questions on his behalf.

Mr Fischer also informed the House that, during the absences of Mr McLachlan (Minister for Defence) and Mrs Bishop (Minister for Defence Industry, Science and Personnel), Mr Scott (Minister for Veterans' Affairs) would answer questions on their behalf.

**3 QUESTIONS**

Questions without notice being asked—

*Paper:* Mr G. J. Evans, by leave, presented the following paper:

Sales Tax Assessment Act—Section 130B.

Questions without notice continued.

*Member ordered to withdraw:* At 2.43 p.m. the Member for Grayndler (Mr Albanese) was ordered, under standing order 304A, to withdraw from the House for 1 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.

**4 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER**

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 28 of 1995-96—Performance audit—Jindalee Operational Radar Network Project: Department of Defence.

Mr Reith (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 28 of 1995-96; and
- (2) the report be printed.

Question—put and passed.

**5 PAPER**

The Speaker presented the following paper:

House of Representatives—Schedule showing the allocation of departments and authorities to the various general purpose standing committees and the Joint Standing Committee on Foreign Affairs, Defence and Trade.

**6 PAPERS**

The following papers were presented:

Advance to the Minister for Finance—

Statement for April 1996.

Supporting applications of issues from the Advance during April 1996.

Department of Finance—Performance pay and ratings in the Australian Public Service—Report for 1994-95.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—ANL Limited—Report for 1994-95.

Fisheries Act—Northern Territory Fisheries Joint Authority—Reports for—  
1993.

1994.

Industry Commission Act—Industry Commission—Report No. 48—  
Competitive tendering and contracting by public sector agencies, 24 January  
1996.

Petition not in accord with the standing and sessional orders of the House—  
Pension increases (Mr Filing, 124 petitioners).

Services Trust Funds Act—

Australian Military Forces Relief Trust Fund—Report for 1995.

Royal Australian Air Force Welfare Trust Fund—Report for 1995.

Treaties—Texts of—

*Bilateral—National interest analysis—*

Agreement for the Surrender of Accused and Convicted Persons between the  
Government of Australia and the Government of Hong Kong, done at Hong  
Kong on 15 November 1993.

*Bilateral with national interest analysis—*

Exchange of Notes, done at Canberra on 14 June 1996, constituting an  
Agreement to amend the Agreement between the Government of Australia and  
the Government of Singapore concerning the Use of the Shoalwater Bay  
Training Area and the Associated Use of Storage Facilities in Australia, done at  
Singapore on 17 February 1995.

*Bilateral with national interest analysis and statement of explanation—*

Subsidiary Agreement between the Government of Australia and the  
Government of Japan concerning Japanese Tuna Long-Line Fishing, done at  
Canberra on 4 June 1996.

*Multilateral—National interest analysis—*

Convention to Ban the Importation into Forum Island Countries of Hazardous  
and Radioactive Wastes and to Control the Transboundary Movement and

Management of Hazardous Waste within the South Pacific Region, done at Waigani on 16 September 1995.

*Multilateral with national interest analysis—*

Amendments, done at Suva in October 1993, to the Agreement establishing the South Pacific Applied Geoscience Commission, done at Tarawa on 10 October 1990.

#### 7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—OVERSEAS AID

The House was informed that Mr Brereton had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s decision to slash Australia’s overseas aid commitments to the detriment of our regional engagement and international humanitarian objectives”.

The proposed discussion having received the necessary support—

Mr Brereton addressed the House.

Discussion ensued.

Discussion concluded.

#### 8 MAIN COMMITTEE—DAY OF NEXT MEETING

The Second Deputy Speaker reported that the Deputy Speaker had fixed Wednesday, 19 June 1996, at 10 a.m., for the next meeting of the Main Committee.

#### 9 AUSTRALIAN SECURITY INTELLIGENCE ORGANIZATION— PARLIAMENTARY JOINT COMMITTEE

The House was informed that the Speaker had received advice from Mr Howard (Prime Minister) nominating Members to be members of the Parliamentary Joint Committee on the Australian Security Intelligence Organization.

Mr W. L. Smith (Minister for Sport, Territories and Local Government), by leave, moved—That, in accordance with the provisions of the *Australian Security Intelligence Organization Act 1979*, Mr Hicks, Mr Sercombe, Mr Somlyay and Mr Zammit be appointed members of the Parliamentary Joint Committee on the Australian Security Intelligence Organization.

Question—put and passed.

#### 10 PRIVILEGES COMMITTEE

Mr W. L. Smith (Minister for Sport, Territories and Local Government), by leave, moved—That Mr K. J. Andrews, Mr Brown, Mr E. H. Cameron, Mr Holding, Mr McLeay, Mr Sawford, Mr Somlyay, Mrs Sullivan and Mr M. A. J. Vaile be members of the Committee of Privileges.

Question—put and passed.

#### 11 JOINT COMMITTEES—MEMBERSHIP

The House was informed of the nominations of Members to be members of the following committees:

*Electoral Matters—Joint Standing*

Mr Cobb, Mr McDougall and Mr Nairn had been nominated by the Chief Government Whip and Mr L. D. T. Ferguson and Mr Griffin had been nominated by the Chief Opposition Whip.

*Foreign Affairs, Defence and Trade—Joint Standing*

Mr R. C. Baldwin, Mr Bradford, Mr Brough, Mr Dondas, Mrs Gallus, Mr Georgiou, Mr Hicks, Mr Lieberman, Mr Nugent, Mr Sinclair, Mr Slipper, Mr Taylor and Ms Worth had been nominated by the Chief Government Whip and Mr Bevis, Mr Brereton, Mr E. L. Grace, Mr Hollis, Mr Jones, Mr Price and Mr S. F. Smith had been nominated by the Chief Opposition Whip.

*Migration—Joint Standing*

Mrs Gallus, Ms Gambaro and Mr Sinclair had been nominated by the Chief Government Whip and Mr Holding, Mr Kerr and Dr Theophanous had been nominated by the Chief Opposition Whip.

*Treaties—Joint Standing*

Mr Bartlett, Mr Hardgrave, Mr A. C. Smith, Mr Taylor, Mr Truss and Mr Tuckey had been nominated by the Chief Government Whip and Mr Adams, Mr L. D. T. Ferguson and Mr McClelland had been nominated by the Chief Opposition Whip.

*National Crime Authority—Parliamentary Joint*

Mr Bradford, Mr Truss and Mrs West had been nominated by the Chief Government Whip, Mr Sercombe had been nominated by the Chief Opposition Whip and Mr Filing had nominated himself.

*Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint*

Mr Causley, Mr Dondas and Mr Entsch had been nominated by the Chief Government Whip and Mr Melham and Mr Quick had been nominated by the Chief Opposition Whip.

**12 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS**

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

14 June 1996—Message No. 18—

Loan 1996.

Indigenous Education (Supplementary Assistance) Amendment 1996.

Supply (No. 1) 1996-97.

Supply (No. 2) 1996-97.

Supply (Parliamentary Departments) 1996-97.

Education and Training Legislation Amendment 1996.

### 13 MESSAGE FROM THE SENATE

Message No. 32, dated 31 May 1996, from the Senate was reported acquainting the House of the appointment of Senators to the following joint committees:

Corporations and Securities—Parliamentary Joint Committee—Senators Chapman, Cook, Cooney, Ellison and Spindler.

Australian Security Intelligence Organization—Parliamentary Joint Committee—Senators MacGibbon, Sandy Macdonald and Ray.

National Crime Authority—Parliamentary Joint Committee—Senators Bolkus, Conroy, Ian Macdonald, McGauran and Spindler.

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—Senators Abetz, Chamarette, Ellison, Evans and Reynolds.

Electoral Matters—Joint Standing Committee—Senators Abetz, Chamarette, Conroy, Lees and Minchin.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Senators Bolkus, Bourne, Chapman, Childs, Forshaw (from 1 July 1996), Harradine, Jones (to 30 June 1996), Ian Macdonald, MacGibbon, Margetts, Panizza, Schacht and Teague.

Migration—Joint Standing Committee—Senators McKiernan, Stott Despoja, Tierney and Troeth.

National Capital and External Territories—Joint Standing Committee—Senators Colston, Ferguson, Lundy, McGauran and Stott Despoja.

Treaties—Joint Standing Committee—Senators Abetz, Bourne, Carr, Denman, Ellison, Neal and O'Chee.

### 14 BILLS REFERRED TO MAIN COMMITTEE

Mr Cadman (Chief Government Whip), pursuant to notice, moved—That the following Bills be referred to the Main Committee for consideration:

Migration Legislation Amendment (No. 1) 1996;

Parliamentary Contributory Superannuation Amendment 1996;

Health Legislation (Powers of Investigation) Amendment 1996;

Australian Sports Drug Agency Amendment 1996;

Sydney 2000 Games (Indicia and Images) Protection 1996;

Crimes Amendment (Controlled Operations) 1996; and

Australian Federal Police Amendment 1996.

Question—put and passed.

### 15 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE

Mr W. L. Smith (Minister for Sport, Territories and Local Government), for Mr Reith (Leader of the House), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, leave be granted

to the Parliamentary Standing Committee on Public Works to meet during sittings of the House.

Question—put and passed.

#### **16 CUSTOMS AMENDMENT BILL 1996**

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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Moore (Minister for Industry, Science and Tourism), the Bill was read a third time.

#### **17 CUSTOMS TARIFF AMENDMENT BILL (NO. 1) 1996**

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 by Mr Crean who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the Bill breaches the Government’s election commitment that it would not increase existing taxes or introduce new taxes and should therefore be withdrawn, redrafted and re-presented in a form in which:

- (1) goods for personal consumption to which Tariff Concession Orders apply continue to enter Australia free of duty; and
- (2) no change be made to the duty rate which currently applies to Policy By-Laws”.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Mr J. N. Andrew, in the Chair)—

## AYES, 81

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

## NOES, 42

Mr Adams	Mr L. D. T. Ferguson	Mr Lee	Mr Price
Mr Albanese	Mr M. J. Ferguson	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr Griffin	Ms Macklin	Mr Sercombe*
Mr Beddall	Mr Holding	Mr McLeay*	Mr S. F. Smith
Mr Brereton	Mr Hollis	Mr McMullan	Mr Tanner
Mr Brown	Mr Jenkins	Mr Martin	Dr Theophanous
Mr Crean	Mr Jones	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Kerr	Mr A. A. Morris	Mr Willis
Ms Ellis	Mr Langmore	Mr P. F. Morris	Mr Wilton
Mr G. J. Evans	Mr Latham	Mr Mossfield	
Mr M. J. Evans	Dr Lawrence	Mr O'Keefe	

\* Tellers

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put.

The House divided (the Deputy Speaker, Mr J. N. Andrew, in the Chair)—

## AYES, 81

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

## NOES, 42

Mr Adams	Mr L. D. T. Ferguson	Mr Lee	Mr Price
Mr Albanese	Mr M. J. Ferguson	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr Griffin	Ms Macklin	Mr Sercombe*
Mr Beddall	Mr Holding	Mr McLeay*	Mr S. F. Smith
Mr Brereton	Mr Hollis	Mr McMullan	Mr Tanner
Mr Brown	Mr Jenkins	Mr Martin	Dr Theophanous
Mr Crean	Mr Jones	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Kerr	Mr A. A. Morris	Mr Willis
Ms Ellis	Mr Langmore	Mr P. F. Morris	Mr Wilton
Mr G. J. Evans	Mr Latham	Mr Mossfield	
Mr M. J. Evans	Dr Lawrence	Mr O'Keefe	

\* Tellers

And so it was resolved in the affirmative—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Moore (Minister for Industry, Science and Tourism), the Bill was read a third time.

# 18 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE

The House was informed of the following nominations of Members to be members of the Parliamentary Joint Committee on Corporations and Securities:

Mrs Johnston, Mrs D. M. Kelly and Mr Sinclair had been nominated by the Chief Government Whip and Mr Latham and Mr McLeay had been nominated by the Chief Opposition Whip.



**19 SELECTION COMMITTEE—REPORT**

Mr Nehl (Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 24 June 1996.

**20 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 1) 1996**

The order of the day having been read for the second reading—Mr Prosser (Minister for Small Business and Consumer Affairs) moved—That the Bill be now read a second time.

*Paper:* Mr Prosser presented a replacement explanatory memorandum to the Bill.

Debate ensued.

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

*Consideration in detail*

Clauses 1 to 3, by leave, taken together, and agreed to.

Schedule 1—

Mr Prosser, by leave, moved the following amendments together:

Page 3 (after line 8), after item 2, insert:

**2A Subsection 2(3)**

Omit “limestone) and item 9”, substitute “limestone (other than agricultural use limestone)) and items 8, 9, 12 and 13”.

Item 4, page 3 (line 22), after “limestone”, insert “(other than agricultural use limestone)”.

Item 5, page 4 (line 19), after “limestone”, insert “(other than agricultural use limestone)”.

Item 5, page 4 (line 30), after “limestone”, insert “(other than agricultural use limestone)”.

Page 5 (after line 15), after item 7, insert:

**7A After Item 1 of Schedule 1**

Insert:

**1A Subsection 164(7)**

Insert:

*agricultural use limestone* means limestone for use in the de-acidification of soil in any agricultural activity other than the activity referred to in paragraph (t) of the definition of agriculture.

Item 13, page 6 (line 14), after “limestone”, insert “(other than agricultural use limestone)”.

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

Amendments agreed to.

Schedule, as amended, agreed to.

Schedule 2 omitted.

Title—

On the motion of Mr Prosser, the title was amended by omitting “and the *Income Tax Assessment Act 1936*”.

Title, as amended, agreed to.

Bill, as amended, agreed to, with an amended title.

Consideration in detail concluded.

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

## 21 WORKPLACE RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1996

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—*And on the amendment moved thereto by Mr McMullan, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House is of the opinion that the Bill should not be proceeded with, for the following reasons:

- (1) it breaches the Prime Minister’s ‘rock solid guarantee’ that no-one will be worse off;
- (2) it opens the door to cutting youth wages and introducing a \$3.00 per hour youth wage;
- (3) it removes the fairness which is entrenched in the existing industrial relations system;
- (4) it does not recognise the legitimacy and desirability of employees organising and bargaining collectively;
- (5) it proceeds from a fundamentally flawed assumption that the parties to the employment relationship have equal bargaining power;
- (6) it severely restricts the central role of the Australian Industrial Relations Commission in the industrial relations system;
- (7) it undermines the award system as the dynamic framework for the protection and advancement of wages and conditions;
- (8) it removes workplace and enterprise bargaining from the protections of the Australian Industrial Relations Commission;
- (9) it will aggravate problems of inequality for women, young people and those most vulnerable in the labour market;
- (10) it fails to provide a core framework for the prevention and settlement of industrial disputes;
- (11) it emphasises the punishment of industrial action rather than its resolution; and
- (12) it fails to ensure that Australia’s labour standards meet our international obligations”—

Debate resumed.

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

## **22 ADJOURNMENT**

Mr Abbott (Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.



## **PAPERS**

The following papers were deemed to have been presented on 18 June 1996:

Acts Interpretation Act—Statement relating to failure to furnish report within specified period—Northern Territory Fisheries Joint Authority—Reports for 1993 and 1994.

Census and Statistics Act—Australian Bureau of Statistics—Statement 1996 No. 1.

Export Control Act—Export Control (Orders) Regulations—Orders 1996 No. 3.

Public Service Act—Determinations 1996 Nos. 32, 33, 35, 36, 37, 38, 39, 40, 42, 70, 71, 72, 73, LES 12.



## **ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Bevis, Mrs Bishop, Mr Bradford, Mrs Gallus, Mr Howard, Mr McLachlan and Mr O'Connor.



**L. M. BARLIN**

Clerk of the House of Representatives