

1996-97-98

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 144

WEDNESDAY, 11 MARCH 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 **NATIVE TITLE AMENDMENT BILL 1997 [NO. 2]**

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.

Mr G. J. Evans (Deputy Leader of the Opposition) moved, as an amendment—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 notes that the Government, in re-introducing the Bill with significant Senate amendments deleted, and in indicating that its position is immutable on a number of key issues, has:

- (1) rejected a legislative outcome that would substantially meet the need of all stakeholders—Indigenous Australians, miners, farmers and the community generally—for a Native Title Act that is certain, workable, and fair;
- (2) ignored the stated willingness of the Opposition to continue to consult and negotiate with a view to further refining the legislation to produce an outcome acceptable to all major stakeholders;
- (3) ensured that, in the absence of such an acceptable outcome, a wave of court challenges to the legislation will continue into the next century;
- (4) ensured that, with continuing doubts about the constitutional and legal validity of the Government’s preferred legislative outcome, more and more claims will be pursued by protracted and expensive common law action rather than through statutory processes;
- (5) left in question thousands of potentially invalid interests and rights granted after 1 January 1994;
- (6) ensured that, in the continuing absence of an effective threshold test, native title processes will continue to be swamped with claims of variable quality;

- (7) ensured that, in the continuing absence of improved processes and procedures under the Act, the backlog of unresolved determinations, decisions and negotiations will continue to mount; and
- (8) by its intransigent and unaccommodating approach, set upon a course designed to commit our country to a general election focused divisively and destructively on race”.

Debate continued.

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

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

AYES, 82

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

NOES, 42

Mr Adams	Mr G. J. Evans	Mr Jones	Mr O'Connor
Mr Albanese	Mr M. J. Evans	Mr Latham	Mr O'Keefe
Mr Andren	Mr L. D. T. Ferguson	Dr Lawrence	Mr Sawford*
Mr P. J. Baldwin	Mr M. J. Ferguson	Mr McClelland	Mr Sercombe
Mr Beddall	Mr Fitzgibbon	Ms Macklin	Mr Tanner
Mr Bevis	Mr E. L. Grace*	Mr McLeay	Dr Theophanous
Mr Brereton	Mr Griffin*	Mr McMullan	Mr K. J. Thomson
Mr Brown	Mr Hatton	Mr Martin	Mr Willis
Mrs Crosio	Mr Holding	Mr Melham	Mr Wilton
Mr Dargavel	Mr Hollis	Mr A. A. Morris	
Ms Ellis	Mr Jenkins	Mr Mossfield	

\* Tellers

And so it was resolved in the affirmative.

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

*Message from the Governor-General*

Message No. 237, 5 March 1998, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

Mr Williams (Attorney-General) moved—That the Bill be now read a third time.

Question—put.

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

AYES, 83

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

NOES, 43

Mr Adams	Mr G. J. Evans	Mr Jones	Mr Mossfield
Mr Albanese	Mr M. J. Evans	Mr Kerr	Mr O'Connor
Mr Andren	Mr L. D. T. Ferguson	Mr Latham	Mr O'Keefe
Mr P. J. Baldwin	Mr M. J. Ferguson	Dr Lawrence	Mr Sawford*
Mr Beddall	Mr Fitzgibbon	Mr McClelland	Mr Sercombe
Mr Bevis	Mr E. L. Grace*	Ms Macklin	Mr Tanner
Mr Brereton	Mr Griffin*	Mr McLeay	Dr Theophanous
Mr Brown	Mr Hatton	Mr McMullan	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Martin	Mr Willis
Mr Dargavel	Mr Hollis	Mr Melham	Mr Wilton
Ms Ellis	Mr Jenkins	Mr A. A. Morris	

\* Tellers

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

**3 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (RETIREMENT ASSISTANCE FOR FARMERS) BILL 1998**

Mr Ruddock (Minister representing the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986*, and for related purposes.

Bill read a first time.

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

*Paper*

Mr Ruddock presented an explanatory memorandum to the Bill.

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

**4 BILLS REFERRED TO MAIN COMMITTEE**

Mr J. N. Andrew (Chief Government Whip), pursuant to notice, moved—That the following Bills be referred to the Main Committee for further consideration:

Commonwealth Places (Mirror Taxes) 1998;

Commonwealth Places Windfall Tax (Collection) 1998;

Commonwealth Places Windfall Tax (Imposition) 1998;

Commonwealth Places (Consequential Amendments) 1998;

National Residue Survey Administration Amendment 1998;

National Residue Survey (Customs) Levy 1998; and

National Residue Survey (Excise) Levy 1998.

Question—put and passed.

**5 BILL REFERRED TO MAIN COMMITTEE**

Mr J. N. Andrew (Chief Government Whip), by leave, moved—That the Legislative Instruments Bill 1996 [No. 2] be referred to the Main Committee for further consideration.

Question—put and passed.

**6 QUESTIONS**

Questions without notice were asked.

**7 PAPERS**

The following papers were presented:

Australian Industry Development Corporation Act—Australian Industry Development Corporation—Report for 1996-97.

Finance—Consolidated financial statements for 1996-97.

**8 CONSOLIDATED FINANCIAL STATEMENTS FOR 1996-97—REPORT—MOTION TO TAKE NOTE OF PAPER**

Mr Reith (Leader of the House) moved—That the House take note of the following paper:

Finance—Consolidated financial statements for 1996-97.

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

**9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WATERFRONT PRODUCTIVITY**

The House was informed that Mr Tanner had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s approach to improving waterfront productivity”.

The proposed discussion having received the necessary support—

Mr Tanner addressed the House.

Discussion ensued.

Mr Campbell addressing the House—

Mr Reith (Leader of the House) moved—That the business of the day be called on.

Question—put and passed.

**10 MEMBERS’ INTERESTS COMMITTEE—REPORT**

Mr Reid (Chair) presented the following report:

Committee of Members’ Interests—Report on the operations of the committee, including the minutes of proceedings, for 1997, 10 March 1998.

**11 TARIFF PROPOSALS**

Mr Truss (Minister for Customs and Consumer Affairs) moved—

Excise Tariff Proposals Nos. 1 and 2 (1998); and

Customs Tariff Proposals Nos. 1 and 2 (1998).

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

**12 INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with amendments (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Truss (Minister for Customs and Consumer Affairs), by leave, the Bill was read a third time.

**13 GAS PIPELINES ACCESS (COMMONWEALTH) BILL 1997—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the Bill had been agreed to with amendments (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mrs Sullivan (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

**14 PUBLIC SERVICE BILL 1997 [NO. 2]**

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.

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

AYES, 81

Mr Abbott	Mr R. D. C. Evans	Mr McArthur*	Mr Slipper*
Mr J. N. Andrew	Mr Fahey	Mr McDougall	Mr A. C. Smith
Mr K. J. Andrews	Mr Filing	Mr McLachlan	Mr W. L. Smith
Mr Anthony	Mr Forrest	Mr Marek	Mr Somlyay
Mr R. C. Baldwin	Mrs Gallus	Mr Miles	Dr Southcott
Mr Barresi	Ms Gambaro	Mr Moore	Mrs Stone
Mr Bartlett	Mrs Gash	Mrs Moylan	Mrs Sullivan
Mr Billson	Mr Georgiou	Mr Mutch	Mr Taylor
Mr Broadbent	Mrs E. J. Grace	Mr Nairn	Mr A. P. Thomson
Mr Brough	Mr Hardgrave	Mr Nehl	Mr Truss
Mr Cadman	Mr Hawker	Dr Nelson	Mr Tuckey
Mr E. H. Cameron	Mr Hicks*	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	Mrs D. M. Kelly	Mr Randall	Dr Wooldridge
Mr Dondas	Miss J. M. Kelly	Mr Reith	Ms Worth
Mr Downer	Dr Kemp	Mr Ronaldson	Mr Zammit
Mrs Draper	Mr Lieberman	Mr Ruddock	
Mrs Elson	Mr Lindsay	Mr Scott	
Mr Entsch	Mr Lloyd	Mr Sharp	

## NOES, 43

Mr Adams	Mr M. J. Evans	Mr Lee	Mr Price
Mr Albanese	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr E. L. Grace*	Ms Macklin	Mr Sawford*
Mr Beddall	Mr Griffin*	Mr McLeay	Mr Sercombe
Mr Brereton	Mr Hatton	Mr McMullan	Mr S. F. Smith
Mr Brown	Mr Holding	Mr Martin	Mr Tanner
Mr Campbell	Mr Hollis	Mr Melham	Dr Theophanous
Mrs Crosio	Mr Jones	Mr A. A. Morris	Mr K. J. Thomson
Mr Dargavel	Mr Kerr	Mr Mossfield	Mr Willis
Ms Ellis	Mr Latham	Mr O'Connor	Mr Wilton
Mr G. 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 Dr Kemp (Minister Assisting the Prime Minister for the Public Service), the Bill was read a third time.

**15 PUBLIC EMPLOYMENT (CONSEQUENTIAL AND TRANSITIONAL) AMENDMENT BILL 1997 [NO. 2]**

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—

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

*Message from the Governor-General*

Message No. 238, 9 March 1998, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Dr Kemp (Minister Assisting the Prime Minister for the Public Service), the Bill was read a third time.

**16 PARLIAMENTARY SERVICE BILL 1997 [NO. 2]**

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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Dr Kemp (Minister Assisting the Prime Minister for the Public Service), the Bill was read a third time.

**17 ANL SALE BILL 1997**

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 Tanner who moved, as an amendment—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 declines to give the Bill any further consideration until the Government provides guarantees to the Parliament that the sale of ANL will proceed on the basis that the company will continue to employ Australians in its operations”.

Debate continued.

Mr Prosser 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 a later hour this day.

#### 18 ANL SALE BILL 1997

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 Tanner, 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 declines to give the Bill any further consideration until the Government provides guarantees to the Parliament that the sale of ANL will proceed on the basis that the company will continue to employ Australians in its operations”—

Debate having been resumed by Mr Prosser—

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#### 19 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

*Debate extended:* It being 8 p.m., the debate was interrupted.

Mr Abbott (Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs) required the debate to be extended.

The debate continuing until 8.07 p.m., the Speaker adjourned the House until tomorrow at 9.30 a.m.

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#### PAPERS

The following papers were deemed to have been presented on 11 March 1998:

Australian Communications Authority Act, Radiocommunications Act, Radiocommunications (Receiver Licence Tax) Act and Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Definitions) Determination No. 2 of 1993—Amendment No. 9.

Civil Aviation Act—Civil Aviation Regulations—Exemptions 1998 Nos. CASA 07, CASA 08.

Customs Act—Instrument of approval 1997 No. 39.



Defence Act—Determination under section 58B 1998 No. 9.

Lands Acquisition Act—Statement under section 40.

Radiocommunications Act—Determinations—

Radiocommunications (Transmitter and Receiver Licences) 1998 Amendment No. 1.

Radiocommunications Licence Conditions (MDS Licence) 1998 No. 1.

Radiocommunications (Receiver Licence Tax) Act—Determination—  
Radiocommunications (Receiver Licence Tax) No. 1 of 1996—1998  
Amendment No. 1.

Radiocommunications (Transmitter Licence Tax) Act—Determination—  
Radiocommunications (Transmitter Licence Tax) No. 1 of 1996—1998  
Amendment No. 1.

Social Security Act—Determination—Pensions Loans Scheme (Social  
Security)—Rate of compound interest 1997 No. 2.

Veterans' Entitlements Act—Determination—Pensions Loans Scheme  
(Veterans' Entitlements)—Rate of compound interest 1997 No. 2.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Anderson,  
Mrs Bishop, Mr Halverson, Ms Hanson, Mr Katter, Mr P. F. Morris and Mr M.  
A. J. Vaile.

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**I. C. HARRIS**  
Clerk of the House of Representatives

1996-97-98

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 144

**MAIN COMMITTEE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY, 11 MARCH 1998

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1 The Main Committee met at 10 a.m.

**2 INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 1997**

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.

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr Truss (Minister for Customs and Consumer Affairs), by leave, moved Government amendments (1) and (2) as circulated, together.

*Paper*

Mr Truss presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

**3 GAS PIPELINES ACCESS (COMMONWEALTH) BILL 1997**

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.

*Message from the Governor-General*

Message No. 233, 2 December 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr Scott (Minister for Veterans' Affairs), by leave, moved Government amendments (1) to (5) as circulated, together.

*Paper*

Mr Scott presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

**4 CHEMICAL WEAPONS (PROHIBITION) AMENDMENT BILL 1997**

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.

Mr Taylor 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.

**5 ADJOURNMENT**

On the motion of Mr Anthony, the Main Committee adjourned at 1.01 p.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.

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**B. C. WRIGHT**

Clerk of the Main Committee