

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 130

MONDAY, 27 MARCH 1995

1 The House met, at 12.30 p.m., pursuant to adjournment.

**2 ABSENCE OF SPEAKER**

The Clerk having informed the House that the Speaker (the Honourable Stephen Martin) was absent on parliamentary business overseas, the Deputy Speaker (Mr Jenkins) took the Chair as Acting Speaker, and read Prayers.

**3 PRIVILEGE—COMPLAINT OF BREACH**

Mr Simmons (Chair of the Standing Committee on Banking, Finance and Public Administration) raised, as a matter of privilege, an article in the *Financial Review* of 23 March 1995 which, he said, revealed details of the committee's report on the tax treatment of the tourism industry. Mr Simmons stated that the matter would be considered at a meeting of the committee and he would advise the House of the outcome.

The Acting Speaker stated that he would await the results of the committee's deliberations on the matter.

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

Mr Simmons (Chair) presented the following report and related papers:

Banking, Finance and Public Administration—Standing Committee—Taxing relaxing: Report on the inquiry into the impact of Australia's taxation regime on the tourism industry—

Report, incorporating 2 dissenting reports, 9 March 1995.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Simmons, Mr Bradford, Mr Latham, Mr Braithwaite, Mr Jull and Mr Abbott made statements in connection with the report.

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.

## 5 TIMBER INDUSTRY PLAN

Mr Tanner, pursuant to notice, moved—That this House calls on the Government to develop a Timber Industry Plan to (a) ensure full protection of high conservation value native forests, (b) facilitate the move to high value adding production in the industry, (c) eliminate inappropriate subsidies which artificially depress the price of timber extracted from native forests and (d) guarantee that there will be no net loss of employment as a result of the changes.

Debate ensued.

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

## 6 TIMBER INDUSTRY

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

- (1) calls on the Government to continue to support the timber industry which is a vital part of Australia's economic future and the economic foundation of many Australian communities;
- (2) accepts that there can and should be an ecologically sustainable forest industry at the same time as the establishment of comprehensive and representative forest reserves on a national basis; and
- (3) maintains that both of these objectives can be achieved through regional forest agreements and that priority must be given to the comprehensive regional assessments that will form the basis of these agreements.

Debate ensued.

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 PAPER

Mr Beazley (Leader of the House) presented the following paper:

Roster of Ministers to attend question time as at 27 March 1995.

## 9 QUESTIONS

Questions without notice being asked—

*Paper:* Mr Fischer (Leader of the National Party of Australia), in accordance with standing order 321, having called for a document quoted from by Mr Brereton (Minister for Industrial Relations)—

Mr Brereton presented the following paper:

Industrial relations laws—No business is safe!—Copy of advertisement published in the *West Australian*, 10 January 1995.

Questions without notice continued.

## 10 PETITIONS

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

Mr K. J. Andrews and Mr Beale, from 390 and 28 petitioners, respectively, praying for certain changes to the Family Law Act and the Child Support Scheme.

Mr Braithwaite, from 1233 petitioners, praying that the national flag not be changed, replaced or diminished without being approved by a referendum.

Mr Cadman, from 63 petitioners, praying that legislation to decriminalise the use of marijuana not be passed.

Mr Filing, from 4301 petitioners, praying that illegal immigrants not be given residence and that no compensation be paid to those held in detention centres.

Mr Fischer, from 135 000 petitioners, praying that an indexed homemaker's allowance be introduced.

Mr Haviland, from 30 petitioners, praying that a classification system be applied to all audio tapes and compact discs and that certain items be restricted from sale to minors.

Mr Langmore, from 38 petitioners, praying that certain action be taken to ensure the equitable provision of postgraduate education.

Dr Lawrence, from 1236 petitioners, praying that the decision to renew export woodchip licences for 1995 be revoked and protection be given to the 1300 forest areas recommended for exclusion from woodchipping.

Dr Lawrence, from 114 petitioners, praying that certain actions be taken to protect native forests in the south west of Western Australia.

Mr Mack, from 1118 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 298 petitioners, praying that the widows pension be reintroduced or a suitable allowance be introduced in its place.

Mr Mack, from 16 petitioners, praying that legislative action be taken to implement the Earth Repair Charter.

Mr Mack, from 12 petitioners, praying that certain measures be taken that would prevent members of parliament, retired members and top bureaucrats from plundering the public purse.

Mr Miles, from 1921 petitioners, praying that action be taken to implement the Government's National Forest policy immediately, reinstate the 511 excluded coupes and not support any more forest industries inquiries.

Mr Miles, from 93 petitioners, in similar terms.

Mr Sharp, from 20 petitioners, praying that a post box be provided in King Street, Bungonia Village, NSW.

Mr S. F. Smith, from 1096 petitioners, praying that a national working group be established to devise a long term strategy for providing lasting infrastructure for drought-proofing inland Australia.

Mr Vaile, from 23 petitioners, praying that funding for breast cancer research be increased tenfold in the Budget and initiatives to encourage donations for research be considered.

Petitions received.

**11 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.

**12 PAPER**

The Deputy 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.

**13 AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS**

The Deputy Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1994-95—

No. 23—Follow-up audit—Department of Employment, Education and Training: English as a second language.

No. 24—Follow-up audit—Northern Land Council.

Mr Lee (Minister for Communications and the Arts), by leave, moved—That:

(1) this House authorises the publication of the Auditor-General's audit reports Nos. 23 and 24 of 1994-95; and

(2) the reports be printed.

Question—put and passed.

**14 MESSAGES FROM THE SENATE**

Messages from the Senate were reported returning the following Bills without amendment:

9 March 1995—Message—

No. 425—Prawn Export Promotion 1994.

No. 426—Prawn Export Charge 1994 (*without requests*).

No. 427—Prawn Boat Levy 1994 (*without requests*).

No. 428—Organisation for Economic Co-operation and Development (Financial Support Fund) Repeal 1994.

21 March 1995—Message No. 429—Land Fund and Indigenous Land Corporation (ATSIC Amendment) 1995.

23 March 1995—Message—

No. 430—Anzac Day 1994.

No. 431—Income Tax (International Agreements) Amendment 1995.

No. 432—Parliamentary Contributory Superannuation Legislation Amendment 1995.

15 MESSAGE FROM THE SENATE—ENVIRONMENT, SPORT AND TERRITORIES  
LEGISLATION AMENDMENT BILL (NO. 2) 1994

The following message from the Senate was reported:

Message No. 424

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend legislation administered by the Department of the Environment, Sport and Territories, and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN  
President

The Senate

Canberra, 8 March 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Schedule 1, page 12, item 31, after proposed section 39Y insert the following section:

**The Authority to be informed by the precautionary principle in preparing management plans and protecting world heritage values**

“39YA.(1) The Authority in preparing management plans must have regard to:

- (a) the protection of world heritage values of the Marine Park; and
- (b) the precautionary principle.

“(2) In subsection (1):

“**the precautionary principle**” has the same meaning as in section 3.5.1 of the Intergovernmental Agreement on the Environment, a copy of which is set out in the Schedule to the *National Environment Protection Council Act 1994*.”.

No. 2—Schedule 1, page 19, proposed subsection 46C(1), omit the subsection, substitute the following subsection:

“46C.(1) An ordinary search or a frisk search of a person under this Part shall be conducted by:

- (a) an inspector of the same sex as the person; or
- (b) in a case where an inspector of the same sex as the person is not available to conduct this search—any other person who is of the same sex and is requested by an inspector to conduct the search.”.

On the motion of Mr Lee (Minister for Communications and the Arts), the amendments were agreed to, after debate.

16 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

15 March 1995—Message—

No. 248—

Archives Amendment 1995.

Crimes Amendment 1995.

Criminal Code 1995.

No. 249—

Asian Development Bank (Additional Subscription) 1995.

Classification (Publications, Films and Computer Games) 1995.

Customs Tariff Amendment 1995.

Excise Tariff Amendment 1995.

**17 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENT BY MEMBER**

Mr Hollis (Chairman) presented the following reports:

Public Works—Parliamentary Standing Committee—Reports relating to—

Refurbishment of Scarborough House and construction of Commonwealth offices, Phillip, ACT (1st report of 1995).

Redevelopment of housing for service families at Land Warfare Centre, Canungra, Qld (2nd report of 1995).

Severally ordered to be printed.

Mr Hollis, by leave, made a statement in connection with the reports.

**18 NATIVE TITLE—PARLIAMENTARY JOINT COMMITTEE—REPORT**

Mr Quick presented the following report and related papers:

Native Title—Parliamentary Joint Committee—Second report—The National Native Title Tribunal annual report 1993-94—

Report, March 1995.

Evidence received by the committee.

Ordered—That the report be printed.

Mr Quick, by leave, moved—That the House take note of the report.

Mr Quick 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.

**19 PUBLICATIONS COMMITTEE 21ST REPORT**

Mr Horne (Chair) presented the following report:

**PUBLICATIONS COMMITTEE 21ST 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 7 February 1995, recommends that the following be printed:

Aboriginal Land Rights (Northern Territory) Act—

Anindilyakwa Land Council—Report for 1993-94.

- Central Land Council—Report for 1993-94.  
Northern Land Council—Report for 1993-94.  
Tiwi Land Council—Report for 1993-94.  
Advance Australia Logo Protection Act—Advance Australia Foundation—  
Report for 1993-94.  
Australian Education Council—National report on schooling in Australia for  
1993.  
Committee of Members' Interests—Report on the operations of the committee  
for 1994, 28 February 1995.  
Commonwealth Grants Commission Act—Commonwealth Grants  
Commission—Report on general revenue grant relativities—1995 update.  
International Monetary Agreements Act—Australia and the IMF—Report for  
period 1 May 1993 to 30 April 1994.  
Law Reform Commission Act—Law Reform Commission—Report No. 72—  
The coming of age: New aged care legislation for the Commonwealth.  
Primary Industries and Energy Research and Development Act—Grape and Wine  
Research and Development Corporation and Grape and Wine Research and  
Development Corporation Selection Committee—Reports for 1993-94.  
Social justice for indigenous Australians 1994-95.  
Wheat Marketing Act—Australian Wheat Board—Report for period 1 October  
1993 to 30 September 1994.  
Committee of Members' Interests—Report on the operations of the committee  
for 1993, 2 March 1994.  
Taxation statistics 1992-93.

BOB HORNE  
Chair

9 March 1995

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

Question—put and passed.

**20 CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 1995**

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), pursuant to notice, presented a Bill for an Act to amend the *Customs Tariff Act 1987*, and for related purposes.

Bill read a first time.

*Paper:* Mr Lindsay presented an explanatory memorandum to the Bill.

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

**21 RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 1994**

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 Elliott (Parliamentary Secretary to the Minister for Communications and the Arts), the Bill was read a third time.

**22 RADIOCOMMUNICATIONS (RECEIVER LICENCE TAX) AMENDMENT BILL 1994**

The order of the day having been read for the second reading—Mr Elliott (Parliamentary Secretary to the Minister for Communications and the Arts) moved—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 Mr Elliott, the Bill was read a third time.

**23 RADIOCOMMUNICATIONS TAXES COLLECTION AMENDMENT BILL 1994**

The order of the day having been read for the second reading—Mr Elliott (Parliamentary Secretary to the Minister for Communications and the Arts) moved—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 Mr Elliott, the Bill was read a third time.

**24 ADJOURNMENT**

Mr Elliott (Parliamentary Secretary to the Treasurer) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 8 p.m., adjourned until tomorrow at 12.30 p.m.

**PAPERS**

The following papers were deemed to have been presented on 27 March 1995:

Aboriginal and Torres Strait Islander Commission Act—Rules—Regional Council Election (Casual Vacancies)(Amendment No. 2).

Agricultural and Veterinary Chemicals (Administration) Act—Regulations—Statutory Rules 1995 No. 28.

Agricultural and Veterinary Chemicals Code Act—Regulations—Statutory Rules 1995 No. 27.

Air Navigation Act—Regulations—Statutory Rules 1995 No. 29.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals 1995 Nos. 2, 3, 4.

Childcare Rebate Act—Determination 1995 No. 1.

Christmas Island Act—List of Western Australian Acts for period 13 September 1994 to 13 March 1995.

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Orders—Parts—

105—Amendments 1995, 1, 5, 6(29), 10(2), 14(10), 15(7), 16(3) March.

106—Amendment, 8 March 1995.

108—Amendment, 21 March 1995.



- Exemption No. BKFO/007/95.
- Cocos (Keeling) Islands Act—List of Western Australian Acts for period 13 September 1994 to 13 March 1995.
- Commonwealth Electoral Act—Regulations—Statutory Rules 1995 No. 21.
- Consular Fees Act—Regulations—Statutory Rules 1995 No. 37.
- Crimes Act—Regulations—Statutory Rules 1995 No. 23.
- Currency Act—Determination 1995 No. 1.
- Defence Act—
- Defence Force Remuneration Tribunal—Determination 1995 No. 3.
  - Determinations under section 58B 1995 Nos. 7, 8.
- Designs Act—Regulations—Statutory Rules 1995 No. 19.
- Development Allowance Authority Act—Regulations—Statutory Rules 1995 No. 30.
- Employment Services Act—
- Determinations under sections—
    - 25—1995 No. 1.
    - 26, 39—1995 No. 1.
    - 29, 32, 33—1995 No. 1.
    - 65—1995 No. 1.
  - Direction under section 64—1995 No. 1.
- Evidence Act—Regulations—Statutory Rules 1995 No. 44.
- Evidence and Procedure (New Zealand) Act—Regulations—Statutory Rules 1995 No. 22.
- Export Inspection (Establishment Registration Charges) Act—Regulations—Statutory Rules 1995 No. 41.
- Federal Court of Australia Act—Rules of Court—Statutory Rules 1995 No. 31.
- Foreign Judgments Act—Regulations—Statutory Rules 1995 No. 35.
- Health Insurance Act—
- Declaration QAA No.1/1995.
  - Regulations—Statutory Rules 1995 No. 25.
- Health Insurance Commission Act—Regulations—Statutory Rules 1995 No. 24.
- Higher Education Funding Act—Determinations 1994 Nos. T27, T28, T29, T30, T31, T32, T33, T34, T35.
- Immigration (Education) Charge Act—Regulations—Statutory Rules 1995 No. 39.
- International Air Services Commission Act—Instrument No. M5/95.
- Migration Act—Regulations—Statutory Rules 1995 No. 38.
- Migration Act and Migration Reform Act—Regulations—Statutory Rules 1995 No. 40.
- National Health Act—
- Determinations Nos. 1994-95/15, HHH1/1995.
  - Regulations—Statutory Rules 1995 No. 34.
- Navigation Act—Orders 1995 Nos. 1, 2, 3.

- Patents Act—Regulations—Statutory Rules 1995 No. 20.
- Primary Industries Levies and Charges Collection Act, Horticultural Levy Act and Horticultural Export Charge Act—Regulations—Statutory Rules 1995 No. 26.
- Privacy Act—  
Code of conduct for credit reporting—Amendment, 6 March 1995.  
Determination 1995 No. 1.
- Public Service Act—Determinations 1995 Nos. 10, 11, 12, 13, 14, 15, 26, 29, 30, 31, 106, 107, 109, 110, LES 3, LES 4.
- Radiocommunications (Transmitter Licence Tax) Act—Determination 1995 No. 1.
- Radiocommunications Taxes Collection Act—Regulations—Statutory Rules 1995 No. 36.
- Remuneration Tribunal Act—Remuneration Tribunal—Determination 1995 No. 2.
- Road Transport Charges (Australian Capital Territory) Act—Regulations—Statutory Rules 1995 No. 42.
- Safety, Rehabilitation and Compensation Act—Notice of declaration 1995 No. VI.
- Superannuation Act 1976*—Regulations—Statutory Rules 1995 No. 32.
- Telecommunications Act 1991*—Revocation of a technical standard—Notice 1995 No. TN1.
- Therapeutic Goods Act—  
Regulations—Statutory Rules 1995 No. 33.  
Therapeutic Goods Order No. 50.
- Tobacco Charge (No. 1) Act—Regulations—Statutory Rules 1995 No. 43.
- Trade Marks Act—Regulations—Statutory Rules 1995 No. 18.
- Veterans' Entitlements Act—Instruments 1995 Nos. 1, 2, 3, 4.

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#### ATTENDANCE

All Members attended (at some time during the sitting) except Mr Holding, Mr Johns, Mr Martin, Mr Sawford, Mr Somlyay and Mr Walker.

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**L. M. BARLIN**

Clerk of the House of Representatives