

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 137

MONDAY, 29 MAY 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 TRANSPORT SYSTEM**

Mr Hawker, pursuant to notice, moved—That this House expresses its extreme concern at the failure, after twelve years, of the federal Government to provide a world competitive transport system for the nation, in particular, (a) heavily overtaxing fuel notwithstanding the enormous distances freight has to travel, (b) failure to achieve uniform national regulations for road transport, (c) underinvesting in transport infrastructure, (d) failure to provide fair retail pricing for fuel in country regions, (e) failure to develop a competitive national rail freight service despite promises to do so five years ago and (f) despite expenditure of \$430 million our performance on the waterfront continues to fall further behind our competitors and that as a consequence regional development has been stifled while exports have been denied the chance to reach their full potential.

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.

**3 TAX DEDUCTIBILITY OF LEGAL COSTS**

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

- (1) particularly notes chapter 8 of the report entitled *Access to justice* by the Access to Justice Advisory Committee, "Tax deductibility of legal costs";
- (2) further notes recommendation action 8.1, namely, "The Government should commission a review of current law and practice governing the tax deductibility of litigation legal expenses";
- (3) understands that:
  - (a) there is evidence where large undertakings, particularly some banking corporations, frustrate justice in some litigation cases, by unnecessarily continuing the legal process until the litigant is unable to continue as they exhaust their funds and can no longer pay for legal representation; and

- (b) the legal expenses paid by the defendants are tax deductible while the litigant rarely can make such a claim for their expenses and, consequently, current tax treatment of legal expenses does disadvantage individuals who seek access to the legal system;
- (4) notes further that the problem was thoroughly examined in the House of Representatives Standing Committee on Finance and Public Administration's report entitled *A pocket full of change* in the section, "Settlement processes and litigation"; and
- (5) calls on the Government to have the tax deductibility of litigation costs further examined by the House of Representatives Standing Committee on Banking, Finance and Public Administration.

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.

#### 4 WASTE MANAGEMENT

Mr Knott, pursuant to notice, moved—That this House calls on the Government to:

- (1) recognise that (a) waste management is a major environmental consideration, (b) a major source of the waste stream is derived from packaging in its various forms, (c) the major burden for waste management is borne by local government authorities and (d) the real costs of landfill and recycling and reuse programs in waste management are not reflected in the marketplace and are not borne by those who can reduce waste streams at their manufacturing source; and
- (2) introduce a packaging tax which would:
  - (a) recognise the different materials used in packaging and the ability of such materials to be recycled or reused;
  - (b) recognise the environmental friendliness of the production process of the materials used in packaging;
  - (c) recognise the actions taken by industry to reclaim and recycle or reuse packaging material they produce;
  - (d) discourage the quantity of packaging used on individual products;
  - (e) cover domestic products and all imported products;
  - (f) be directed through programs directly to local government authorities; and
  - (g) have strong enforcement measures.

Debate ensued.

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

#### 5 MEMBERS' STATEMENTS

Members' statements were made.

#### 6 DEATHS OF FORMER BRITISH PRIME MINISTER (LORD WILSON) AND FORMER SENATOR (MR ARTHUR RAY DEVLIN)

The Speaker informed the House of the deaths of Lord Wilson, on 24 May 1995, British Prime Minister from 1964 to 1970 and 1974 to 1976, and Mr Arthur Ray Devlin, on 17 May 1995, a Senator for the State of Tasmania from 1984 to 1990.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

#### 7 MINISTERIAL ARRANGEMENTS

Mr Keating (Prime Minister) informed the House that, during the absence of Mr Lee (Minister for Communications and the Arts and Minister for Tourism), Mr Brereton (Minister for Industrial Relations) would answer questions on his behalf.

#### 8 PAPER

Mr Beazley (Leader of the House) presented the following paper:  
Question time—Roster of Ministers to attend as at 29 May 1995.

#### 9 QUESTIONS

Questions without notice were asked.

#### 10 PETITIONS

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

Mr Atkinson, Mr Beale, Mr Griffin, Mr Kerr, Mr Miles and Mrs S. J. Smith, from 564, 53, 252, 2160, 8236 and 4258 petitioners, respectively, praying for certain changes to the Family Law Act and the Child Support Scheme.

Mr Crean, Mr Hollis and Mr Lindsay, from 1851, 677 and 56 petitioners, respectively praying that certain action be taken to ensure the equitable provision of undergraduate and postgraduate education.

Mr Crean, from 1779 petitioners, in similar terms.

Mr Bilney, from 7 residents of South Australia, and Mr McLachlan, from 15 residents of Murray Bridge, SA, respectively, praying that the racial vilification legislation be rejected in any form.

Mr Cobb and Mr Sinclair, from 29 and 12 petitioners, respectively, praying that certain action be taken to establish by referendum whether the Constitution should be amended to ensure parliamentary scrutiny of all international treaties, conventions and agreements before they come into force in Australia.

Mr Dobie, from 16 residents of New South Wales, and Mr Georgiou, from 15 residents of Victoria, respectively, praying that if enacted the Health Legislation (Private Health Insurance Reform) Amendment Act be repealed.

Mr Ferguson and Mr Snowdon, from 421 and 286 petitioners, respectively, praying that the decision to recognise Indonesia as ruler of East Timor be reversed, an appeal be made for the release of Xanana Gusmao and human rights violations in East Timor be condemned.

Mr Filing, from 575 petitioners, in similar terms.

Mr Fischer and Mr Hicks, from 56 and 792 petitioners, respectively 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 Cadman, Mr Miles and Mr Truss, from 424, 539 and 18 petitioners, Mr B. C. Scott, from 39 electors of the Division of Maranoa, and Mr Slipper, from 92 residents of the Division of Fisher and 42 residents of Queensland, respectively, in similar terms.

Mr Andrew, from 5036 petitioners, praying that the sales tax on wine not be increased nor excise imposed.

Mr Beale, from 5 petitioners, praying that no change be made to the national flag without a full referendum.

Mr Bevis, from 2 petitioners, praying that certain action be taken to support the worldwide campaign against anti-personnel land mines.

Mr Cameron, from 6439 petitioners, praying that action be taken to stop the practice in China of extracting bile from caged bears for medical purposes.

Mr Forrest, from 392 petitioners, praying that legislation which enables the provision of mobile telephone services to larger areas of rural Australia be passed.

Mr Holding, from 24 petitioners, praying that Australia's recognition of Indonesia's incorporation of East Timor be revoked and certain other actions be taken to promote East Timorese self determination.

Mr Jull, from 673 petitioners, praying that any proposal to further tax the accommodation industry be rejected.

Mr Kerr, from 11 residents of Tasmania, praying that funding for the Alternative Birthing Service be continued.

Dr Lawrence, from 19 residents of Brisbane and Logan City, Qld, praying that the drug Imigran be made available to migraine sufferers under the Pharmaceutical Benefits Scheme.

Mr Melham, from 48 petitioners, praying that the words "Advance Australia Fair" in the national anthem be amended to "God bless Australia Fair".

Mr Miles, from 47 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 Neville, from 45 petitioners, praying that certain action be taken to create jobs in State forests.

Mr Ruddock, from 2232 electors of the Division of Newcastle, praying that a Medicare branch be established at Hamilton, NSW.

Mr Ruddock, from 1508 petitioners, praying that the guidelines for homeless rate recipients be reviewed and greater commitment shown to programs which prevent family breakdown.

Mr Sharp, from 1865 petitioners, praying that the proposed introduction of a tollway for the upgraded Federal Highway around Lake George, NSW, be prevented.

Mr Sharp, from 20 petitioners, praying that the Family Law Act be amended to provide for more equitable distribution of assets.

Mr Sinclair, from 56 students and staff of the University of New England and residents of Armidale, praying that the transmission of SBS television be extended to the New England region of New South Wales.

Mr Sinclair, from 40 students and staff of the University of New England and residents of Armidale, praying that the permitted service area for radio station 2UNE-FM be extended.

Mr Sinclair, from 20 petitioners, praying that the Austudy loans supplement scheme be amended.

Mr Tuckey, from 20 petitioners, praying that the rights of State governments alone to define and issue land title be reaffirmed through a referendum.

Mr Vaile, from 16 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 Wakelin, from 461 residents of regional South Australia, praying that funding be made available for the expansion of the Triple J radio network to regional South Australia.

Mr Williams, from 230 petitioners, praying that Jandakot Airport, WA, be retained as a general aviation airport in perpetuity.

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 MESSAGE FROM THE SENATE

Message No. 449, dated 11 May 1995, from the Senate was reported acquainting the House that Senator Crichton-Browne had been appointed a member of the Joint Standing Committee on the National Capital and External Territories.

#### 13 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER

Mr Chynoweth (Chairman) presented the following report:

National Capital and External Territories—Joint Standing Committee—King George V Memorial—Report, May 1995.

Ordered to be printed.

Mr Chynoweth, by leave, made a statement in connection with the report.

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

Mr Chynoweth 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.

#### 14 TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr P. F. Morris (Chair) presented the following advisory report:

Transport, Communications and Infrastructure—Standing Committee—Civil Aviation Legislation Amendment Bill 1995 and Air Services Bill 1995—Advisory report, 11 May 1995.

Mr P. F. Morris and Mr Sharp, by leave, made statements in connection with the report.

Mr P. F. Morris, by leave, moved—That the House take note of the report.

Mr P. F. Morris 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.

#### 15 APPROPRIATION BILL (NO. 1) 1995-96—BUDGET DEBATE

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.

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#### 16 ADJOURNMENT

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

Debate ensued.

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

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#### PAPERS

The following papers were deemed to have been presented on 29 May 1995:

Aged or Disabled Persons Care Act—Determination No. ADPCA 10F 2/1995.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Parts—

105—Amendments 1995, 13(11), 19(4), 21(6), 27(6), 28(2) April, 4(4), 9(8), 10(3), 11(3) May.

106—Amendments 1995, 13(3) April, 4(2) May.

107—Amendments 1995, 13 April, 9(2) May.

Customs Act—Regulations—Statutory Rules 1995 Nos. 89, 90.

Defence Act—Determination under section 58B—1995 No. 15.

Interstate Road Transport Act—Determination No. RTB95/04.

Lands Acquisition Act—Statement under section 40.

National Health Act—

Declaration 1995 No. PB 7.

Determinations 1995 Nos. PB 6, PB 8.

Principles—Amendments 1995 Nos. 1, 2.

Pipeline Authority Act—Determination 1995 No. 1.

Proclamation by His Excellency the Administrator fixing 1 June 1995 as the date on which the *Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995* shall come into operation.

Public Service Act—

Determinations 1995 Nos. 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 118, 119, LES 12.

Parliamentary Presiding Officers' Determination 1995 No. 1.

Radiocommunications Act—Spectrum Management Agency—Australian radiofrequency spectrum plan, 28 April 1995.

Remuneration Tribunal Act—Remuneration Tribunal—Determinations 1995 Nos. 4, 5, 6.

Social Security Act—

Determination 1995 No. 1.

Instruments Nos. 95/2, 95/3, 95/4.

States Grants (Petroleum Products) Act—Amendment of scheme, 16 May 1995.

States Grants (Primary and Secondary Education Assistance) Act—Determinations Nos. 1994-244-S107, 1994-267-S107, 1994-276-S107, 1994-286-S107, 1994-399-S107, 1994-494-S107, 1994-497-S107, 1994-588-S107, 1994-846-S107, 1995-283-S107, SE 94 (204-S).

*Superannuation Act 1990*—Declaration—Statutory Rules 1995 No. 88.

*Telecommunications Act 1991*—

Determination of a technical standard 1995 No. TS 024.

Notice 1995 No. TN 2.



#### ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton, Mr Crean, Mr Dobie, Mr Holding, Mr Johns, Mr Jones, Mr Lee, Mr Sciacca, Mr Walker and Mr Willis.



**L. M. BARLIN**

Clerk of the House of Representatives