

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 65

MONDAY, 10 FEBRUARY 1997

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- 1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.
- 2 **TRADE PRACTICES AMENDMENT (PETROLEUM ACCESS REGIME) BILL 1997**
Mr Latham, pursuant to notice, presented a Bill for an Act to amend the *Trade Practices Act 1974* to declare downstream access and price competition on petroleum terminals and their products.
Mr Latham made a statement in relation to the Bill.
Paper: Mr Latham, by leave, presented an explanatory memorandum to the Bill.
Bill read a first time.
Ordered—That the second reading be made an order of the day for the next sitting, in accordance with standing order 104A.
- 3 **COMMONWEALTH EMPLOYEES' REHABILITATION AND COMPENSATION AMENDMENT BILL 1997**
Mr A. A. Morris, pursuant to notice, presented a Bill for an Act to amend the *Commonwealth Employees' Rehabilitation and Compensation Act 1988*, and for related purposes.
Mr A. A. Morris made a statement in relation to the Bill.
Paper: Mr A. A. Morris, by leave, presented an explanatory memorandum to the Bill.
Bill read a first time.
Ordered—That the second reading be made an order of the day for the next sitting, in accordance with standing order 104A.
- 4 **PEOPLE'S CONSTITUTIONAL CONVENTION**
Mr E. L. Grace, pursuant to notice, moved—That this House:

- (1) condemns the proposal by the Prime Minister to establish a People's Constitutional Convention and to promote at a referendum any consensus that emerges on the question of a Republic;
- (2) notes the likelihood that a People's Convention would comprise appointed representatives only and that such a Convention would be biased in its recommendations;
- (3) calls on the Government to hold an indicative plebiscite to enable Australians to decide whether they want a Republic or not; and
- (4) calls on the Government to legislate to exclude persons who are not Australian citizens from voting in referenda or plebiscites.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 106A, Mr Fitzgibbon was granted leave to continue his speech when the debate is resumed and the resumption of the debate was made an order of the day for the next sitting.

5 MEMBERS' STATEMENTS

Members' statements were made.

6 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence of Mr Downer (Minister for Foreign Affairs), Mr Fischer (Minister for Trade) would answer questions on his behalf.

7 QUESTIONS

Questions without notice were asked.

8 PETITIONS

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

Mr Anthony, Mr Bevis, Mrs E. J. Grace, Mr Hardgrave, Mr Kerr and Ms D. S. Vale, from 40, 20, 30, 10, 15 and 17 petitioners, respectively, praying that action be taken to remove the exclusion of members of the Royal Australian Navy, who served in the Malaya campaign, from repatriation benefits under the Veterans' Entitlements Act.

Mr Costello and Mr P. F. Morris, from 10 and 5 petitioners, respectively, in similar terms.

Mr Anderson, from 70 families and friends of Nurruby Childcare Centre and Preschool, NSW; Mr Anthony, from 31 families and friends of Bangalow Community Preschool and Long Day Care Incorporated, NSW and Mr Bartlett, from 48 families and friends of McGraths Hill Child Care Centre (Inc.), NSW, respectively, praying that operational subsidies to community based long day care centres be retained.

Mr Anderson and Mr Fitzgibbon, from 13 and 9 owners of meat producing livestock, respectively, praying that certain action be taken in relation to the proposed restructuring of the Australian Meat and Livestock Corporation, the Meat Research Corporation and the Meat Industry Council.

Mr Anthony and Mr Causley, from 84 and 33 residents and business proprietors of the Northern Rivers Region, NSW, respectively, praying that the Copyright Act be amended to exclude business from the requirement to hold copyright music licences for the playing of background music.

Ms Gambaro and Mrs E. J. Grace, from 170 and 12 residents of Queensland, respectively, praying that the Euthanasia Laws Bill be supported.

Mr McClelland and Mr Mutch, from 132 and 30 residents of Sydney, respectively, praying that funding for the St George Campus of the University of New South Wales be continued.

Mr Albanese, from 474 residents of Dulwich Hill, NSW, praying that the six mile limit on departures from Sydney (Kingsford-Smith) Airport over residential areas be reinstated and construction of a second airport urgently proceed.

Mr Albanese, from 54 petitioners, praying that certain action be taken in relation to aircraft movements at Sydney (Kingsford-Smith) Airport.

Mr Albanese, from 26 petitioners, praying that action be taken to construct a second airport for Sydney at Badgerys Creek.

Mr J. N. Andrew, from 257 petitioners, praying that grants under the Continence Aids Assistance Scheme be available to children under 16 years and adults over 65 years.

Mr Anthony, from 91 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 Beazley, from 2634 petitioners, praying that Telstra remain in public ownership.

Mr Beazley, from 33 petitioners, praying that certain action be taken in relation to the conflict in Sri Lanka.

Mr Bevis, from 83 residents of Queensland, praying that the decision to cut funding to the ABC be rescinded.

Mr Bradford, from 56 residents of Queensland, praying that laws to legalise invitro-fertilisation genetic selection not be passed.

Mr Brereton, from 561 residents of New South Wales, praying that action be taken to have flight paths at Sydney (Kingsford-Smith) Airport revert to those used prior to March 1996.

Mr E. H. Cameron, from 170 residents of Western Australia, praying that funding be re-instated to re-employ the parent teacher liaison and music teacher positions at St Gerards Catholic Primary School, Westminster, WA.

Mr Causley, from 27 petitioners, praying that the SkillShare program be defended against funding cuts.

Mr Crean, from 536 petitioners, praying that certain action be taken to support human rights in Cambodia.

Mr Dondas, from 42 residents of the Northern Territory, praying that the operational subsidy to community based child care centres be maintained.

Mrs Draper, from 579 residents of South Australia, praying that the Darwin to Alice Springs railway line be built.

Mr G. J. Evans, from 1305 petitioners, praying that the Timor Gap Treaty be revoked.

Mr Fitzgibbon, from 43 petitioners, praying that ABC funding arrangements be retained and that its services be free of commercial sponsorship and advertising.

Mrs Gallus, from 1052 electors of the Division of Hindmarsh, praying that certain action be taken to prevent the erection of a mobile phone tower at Mile End, SA.

Mr Hockey, from 5792 petitioners, praying that certain action be taken to ensure tight, uniform gun control laws.

Mr Latham, from 2983 petitioners, praying that Holsworthy be opposed as a site for Sydney's second international airport.

Mr Latham, from 203 petitioners and Ms D. S. Vale, from 1571 residents of New South Wales, respectively, in similar terms.

Mr Latham, from 2330 residents of Campbelltown and Liverpool, praying that any plan to construct an airport at Holsworthy, NSW, be abandoned.

Mr Lee, from 18 petitioners, praying that all resolutions of the Australian Police Ministers' Council Special Firearms Meeting, May 1996, be adopted.

Mr Lee, from 12 petitioners, praying that the ban on the importation of cooked chicken meat be maintained.

Mr Lieberman, from 505 rural poliomyelitis disabled people of Australia, praying that action be taken to rectify the lack of specialised services to people with Post Polio Syndrome in rural areas.

Mr Lieberman, from 110 petitioners, praying that Commonwealth funding to dental clinics be re-instated.

Mr Lindsay, from 986 petitioners, praying that the child care assistance proposal be modified to ensure low income parents are not disadvantaged.

Mr McClelland, from 400 residents of Sydney, praying that the decision to restrict the ability of children to sponsor their parents as migrants be revoked.

Mr McClelland, from 298 residents of Sydney, praying that the decision to impose a probationary period on spouses wishing to migrate to Australia be revoked.

Mr McClelland, from 292 residents of Sydney, praying that the decision to remove the ability of permanent residents to sponsor the migration of family members be revoked.

Mr McClelland, from 282 residents of Sydney, praying that the decision to increase fees for certain family visa classes be revoked.

Mr McClelland, from 271 residents of Sydney, praying that the decision to impose a cap on certain family visa classes be revoked.

Mr McClelland, from 264 petitioners, praying that the proposed cuts to the operational subsidy and childcare assistance be opposed.

Mr McClelland, from 158 residents of Sydney, praying that the decision to implement certain changes to aged care funding be revoked.

Mr McLachlan, from 101 petitioners, praying that certain action be taken in relation to local Aboriginal community organisations.

Mr Neville, from 444 petitioners, praying that the repayment system for the Higher Education Contribution Scheme that existed prior to the last change of government be restored.

Mr Neville, from 264 electors of the Division of Hinkler, praying that Medicare offices in regional Queensland be maintained and public sector cuts affecting regional Queensland be opposed.

Mr Neville, from 83 petitioners, praying that certain reforms to the Child Support Scheme be implemented.

Mr Prosser, from 82 residents of Western Australia, praying that certain action be taken to amend the Family Law Act in relation to family farms and businesses.

Mr Pyne, from 26 petitioners, praying that funding cuts to the ABC be rejected and certain other action be taken in relation to the ABC.

Mr Rocher, from 1436 petitioners, praying that proposals to restrict Medicare provider numbers be resisted.

Mr Ronaldson, from 224 residents of Victoria, praying that the decision to terminate the book bounty be reversed.

Mr Ruddock, from 5 petitioners, praying that certain moves to tighten gun laws be supported.

Mrs Stone, from 1664 petitioners, praying that the proposed western alignment route of the Shepparton Bypass Planning Study be banned and alternative routes be investigated.

Mrs Sullivan, from 21 petitioners, praying that certain action be taken in relation to property passing from the dying to churches.

Mr Tanner, from 345 petitioners, praying that legislation be passed to make it unlawful to discriminate or vilify on the basis of sexuality or transgender identity.

Mr A. P. Thomson, from 68 residents of New South Wales, praying that the practice of issuing provider numbers only to certain medical practitioners be opposed.

Mr Truss, from 247 petitioners, praying that tough uniform censorship laws be developed to restrict access to media containing excessive violence.

Petitions received.

9 BOUGAINVILLE

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

- (1) deplores the assassination of Premier Theodore Miring of the Province of Bougainville in Papua New Guinea;
- (2) recognises the courage and dignity with which he pursued solutions to the conflict on Bougainville;
- (3) expresses its deepest sympathy to the family of Premier Miring, the people of Bougainville and of Papua New Guinea at his tragic death; and
- (4) urges the Government of Papua New Guinea and the members of the Bougainville Revolutionary Army to renew the reconciliation process in the aftermath of his death; to end all human rights abuses; to restore the rule of law and to accelerate the reconstruction process.

Debate ensued.

Mr Sinclair, by leave, again addressed the House without closing the debate.

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.

10 FIJI'S CONSTITUTIONAL REVIEW COMMISSION

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

- (1) warmly welcomes the report of Fiji's Constitutional Review Commission;
- (2) congratulates the members of the Constitutional Review Commission for producing a report containing fair and democratic constitutional proposals to meet the present and future needs of Fiji, promote racial harmony, national unity and the economic and social advancement of all of Fiji's communities;
- (3) considers the report to be an historic step forward in efforts to establish a constitutional framework acceptable to all of Fiji's citizens; and
- (4) encourages the people of Fiji to give careful consideration to the recommendations of the Commission as a basis for a prosperous, stable and progressive nation, able to satisfy the individual and collective aspirations of all of Fiji's communities.

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.

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.

Question—That grievances be noted—put and passed.

12 CHARTER OF BUDGET HONESTY 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.

Suspension of standing and sessional orders moved

Mr G. J. Evans (Deputy Leader of the Opposition), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Deputy Leader of the Opposition moving:

(1) That:

- (a) the Charter of Budget Honesty Bill 1996 be referred to the Joint Committee of Public Accounts for consideration and an advisory report by 30 May 1997; and
- (b) the terms of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

(2) That a message be sent to the Senate acquainting it of this reference to the committee.

Debate ensued.

Question—put.

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

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

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

* Tellers

And so it was negated.

Consideration in detail

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

Schedule 1—

Charter clauses 1 to 4, by leave, taken together, and agreed to.

Charter clause 5—

Mr G. J. Evans moved the following amendment: Page 7 (after line 23), at the end of paragraph 5(1)(b), add:

- (iii) to the achievement of full employment in Australia; and
- (iv) to the overall economic prosperity and welfare of the people of Australia; and

Amendment negated.

Charter clause agreed to.

Charter clauses 6 to 11, by leave, taken together, and agreed to.

Charter clause 12—

Mr G. J. Evans, by leave, moved the following amendments together:

Page 11 (line 20), after “financial years”, insert “(including forecasts of national savings)”.

Page 11 (after line 25) after paragraph 12(1)(d), insert:

- (da) an estimate of the net effect of the budget on public saving, private saving and national saving.

Debate continued.

Amendments negatived.

Mr G. J. Evans moved the following amendment: Page 11 (after line 25) after paragraph 12(1)(d), insert:

- (db) a report prepared by the Commissioner of Taxation and the Secretary to the Treasury of any material threats to the integrity of the tax system including the fiscal impact of these threats, and their best professional judgment of the specific means necessary to counter these threats;

Debate continued.

Amendment negatived.

Charter clause agreed to.

Charter clauses 13 to 21, by leave, taken together, and agreed to.

Charter clause 22—

Mr G. J. Evans moved—That the Charter clause be omitted, and the following Charter clause be substituted:

22 Public release of pre-election economic and fiscal outlook report

The responsible Secretaries are, jointly, to publicly release a pre-election economic and fiscal outlook report:

- (a) two years and nine months after the first day of sitting of the House of Representatives following the previous general election; or
- (b) should writs for a general election be issued prior to the report required under sub-clause (a), within five days of the issue of those writs.

Debate continued.

Question—That the Charter clause proposed to be omitted stand part of the Schedule—put and passed.

Charter clauses 23 to 28, by leave, taken together, and agreed to.

Charter clause 29—

Mr G. J. Evans, by leave, moved the following amendments together:

Page 22 (line 7), omit “publicly announced”.

Page 22 (line 9), omit “, subject to subclause (4),”.

Page 22 (line 11), omit “publicly announced”.

Page 22 (lines 19 to 23), omit subclause 29(4).

Page 22 (lines 25 to 26), omit “. A withdrawal by the Prime Minister is to be”.

Page 22 (lines 27 to 30), omit “A withdrawal by the Leader of the Opposition is to be by notice in writing given to the Prime Minister, who is to notify the responsible Secretaries of the withdrawal.”.

Page 22 (after line 30), at the end, add:

- (6) The Secretaries may decline to prepare costings under any request pursuant to this clause where they consider the request requires policy advice rather than merely the preparation of costings.
- (7) Any request by the Leader of the Opposition pursuant to subclause (1) shall not be disclosed by the Secretaries to any person not authorised by the Leader of the Opposition to have access to that information.

Debate continued.

Amendments negatived.

Charter clause agreed to.

Charter clauses 30 to 32, by leave, taken together, and agreed to.

Mr G. J. Evans moved—That the following new Charter Part 9 (comprising Charter clause 33) be added:

Part 9 — Costing of Opposition policy options

33 Costing of policy options

The Leader of the Opposition may, at any time before the caretaker period for a general election, seek the assistance of the responsible Secretaries to cost policy options provided that:

- (a) the responsible Secretaries have the discretion to decline to assist if the request would impose an unreasonable workload on the responsible Secretaries and/or their departments;
- (b) the request by the Leader of the Opposition shall relate only to costings and revenue estimates and not to policy advice as to the merits or otherwise of the options being considered;
- (c) the Leader of the Opposition may, at any time, withdraw a request that he or she has made by notice in writing given to the responsible Secretaries; and
- (d) any such request by the Leader of the Opposition pursuant to this section shall not be disclosed by the responsible Secretaries to any person not authorised by the Leader of the Opposition to have access to that information.

Debate continued.

Proposed new Charter part negatived.

Title agreed to.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), by leave, the Bill was read a third time.

13 ADJOURNMENT

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) 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 2 p.m.

PAPERS

The following papers were deemed to have been presented on 10 February 1997:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for the collection of information 1997 No. 1.

Civil Aviation Act—Civil Aviation Regulations—Exemptions Nos. 8/FRS/1997, 9/FRS/1997, 10/FRS/1997.

Customs Act—Notice 1997 No. 1.

Excise Act—Notice 1997 No. 1.

Federal Airports Corporation Act—Federal Airports Corporation—Federal Airports (Amendment) by-laws 1997 No. 1.

Higher Education Funding Act—Determinations—
1996 Nos. T20, T21.

1997 Nos. T7, T8, T9, T10.

Social Security Act—Social Security (Threshold Rates) Determination No. 2.

States Grants (Primary and Secondary Education Assistance) Act—
Determination No. 1997-25-s79.

Sydney Airport Curfew Act—Dispensations Nos. 6/96, 1/97, 2/97.

Telecommunications Act 1991—

Determinations of a technical standard—

1996 Nos. TS 001, TS 016, TS 034.

1997 No. TS 030.

Land Access Code.

Notices—

1996 Nos. TN11, TN12.

1997 Nos. TN1, TN2.

Notice under sections 267 and 280—Exemption of broadcaster equipment and broadcaster cabling from technical regulation, 24 January 1997.

Telecommunications National Code 1996.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Downer, Mr Griffin, Ms Hanson and Mr Somlyay.

L. M. BARLIN

Clerk of the House of Representatives