

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 71

WEDNESDAY, 26 FEBRUARY 1997

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

2 **EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT BILL 1997**

Mr Moore (Minister for Industry, Science and Tourism), pursuant to notice, presented a Bill for an Act to amend the *Export Finance and Insurance Corporation Act 1991*.

Bill read a first time.

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

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

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

3 **PRIVATE HEALTH INSURANCE INCENTIVES 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 Lee, 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:

- (1) deplores the Federal Government cuts to public hospitals, pharmaceuticals and public dental services which have been made to fund these incentives in direct breach of an election promise;
- (2) is dismayed by the inefficiency of the measures which will do little to ease the funding pressure on public hospitals; and
- (3) is firmly of the opinion that the \$1.7 billion would be better spent in providing extra Federal Government funding for public hospitals and direct subsidies for private hospital accommodation”—

Debate resumed.

*Paper:* Dr Wooldridge (Minister for Health and Family Services) presented a supplementary explanatory memorandum to the Bill.

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

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

AYES, 82

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

NOES, 43

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

\* 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.

*Messages from the Governor-General:* The following messages from His Excellency the Governor-General were announced:

No. 97, dated 30 October 1996, recommending an appropriation for the purposes of the Bill; and

No. 98, dated 19 February 1997, recommending an appropriation for the purpose of amendments to be moved to the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

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

Clause 3-3, page 6, lines 19-28, omit subclause (4), substitute the following subclauses:

(4) The *maximum amount* is:

- (a) if at all times during the financial year the person covered by the policy is not a dependent child and is not the partner of another person—\$35,000 adjusted, as appropriate, by the index number; or
- (b) if at any time during the financial year the person covered by the policy is not a dependent child and is the partner of another person—\$70,000 adjusted, as appropriate, by the index number; or
- (c) if at any time during the financial year the person covered by the policy is a dependent child—\$70,000 adjusted, as appropriate, by the index number.

Notes: For *dependent child* index number, *parent* and *partner*, see the Dictionary.

For *index number*, see section 3-6.

(5) For the purposes of subsection (4), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 3-6.

Clause 3-4, page 7, lines 21–31, omit subsection (4), substitute the following subsections:

(4) The *maximum amount* is:

- (a) if the persons covered by the policy do not include 2 or more dependent children at any time during the financial year concerned—\$70,000, adjusted as appropriate by the index number; or
- (b) if, at any time during the financial year, 2 or more dependent children are covered by the policy—the amount worked out as follows:

$$\begin{array}{r}
 \$70,000, \text{ adjusted} \\
 \text{as appropriate by} \\
 \text{the index number}
 \end{array}
 + \left( \begin{array}{l}
 \$3,000, \text{ adjusted as} \\
 \text{appropriate by the index} \\
 \text{number} \times (3 - 1)
 \end{array} \right) = \begin{array}{l}
 \$76,000, \text{ adjusted} \\
 \text{as appropriate by} \\
 \text{the index number}
 \end{array}$$

Note: For *dependent child*, *parent* and *partner*, see the Dictionary.  
For *index number*, see section 3-6.

- (5) For the purposes of subsection (4), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 3-6.

Page 8, after clause 3-5, add the following clause:

### **3-6 Meaning of *index number***

In section 3-3 or 3-4:

- (1) *index number*, in relation to a maximum amount, means the number, calculated to 3 decimal places, worked out under the following formula:

$$\frac{\text{average weekly earnings for immediately preceding financial year}}{\text{average weekly earnings for financial year 1996 - 97.}}$$

- (2) For the purposes of subsection (1) *average weekly earnings* means the amount:
- (a) estimated as the average total weekly earnings to date of all employees (all persons) in Australia; and
  - (b) published by the Australian Statistician in relation to a year up to 30 June of that year;
- (3) Subject to subsection (4), if at any time, whether before or after the commencement of this Part, the Australian Statistician has published or publishes an average total weekly earnings number in respect of a year in substitution for an average total weekly earnings number previously published by the Australian Statistician in respect of that year, the publication of the later number shall be disregarded for the purposes of sections 3-3 and 3-4.
- (4) If at any time, whether before or after the commencement of this Part, the Australian Statistician has changed or changes the reference base for the average total weekly earnings, then, for the purposes of the application of sections 3-3 and 3-4 after the change took place or takes place, regard shall be had only to numbers published in terms of the new reference base.

Debate continued.

Amendments negatived.

On the motion of Dr Wooldridge, by leave, the following amendments were made together, after debate:

Clause 4-3—

Page 10 (line 4), omit “statutory”.

Page 11 (after line 10), at the end of the clause, add:

- (7) A declaration referred to in subsection (1) must be in a form approved by the Minister.

Clause 4-4—

Page 11 (line 16), omit “first business day of”, substitute “last day of the notification period for”.

Page 11 (line 19), omit “first business day of”, substitute “last day of the notification period for”.

Page 11 (after line 20), after subclause (1), insert:

Note: For *notification period*, see the Dictionary.

Clause 4-6, page 13 (lines 10 and 11), omit paragraph (1)(a), substitute:

- (a) the person becomes registered in respect of another policy and:
  - (i) the 2 policies both provide hospital cover; or
  - (ii) the 2 policies both provide ancillary cover; or
  - (iii) either or both of the policies provide combined cover; or

Clause 4-8—

Page 14 (line 19), omit “first business day of”, substitute “last day of the notification period for”.

Page 14 (line 22), omit “first business day of”, substitute “last day of the notification period for”.

Page 14 (after line 23), after subclause (2), insert:

Note: For *notification period*, see the Dictionary.

Clause 8-1, page 25 (after line 9), at the end of the clause, add:

- (3) However, the amount must be increased or decreased to take account of any adjustments to the amount under section 8-3A.

Clause 8-2, page 25 (lines 11 to 18), omit subclause (1), substitute:

- (1) A claim by a health fund in respect of a month must be made to the Commission on or before the last day of the notification period for that month.

Note: For *notification period*, see the Dictionary.

Page 27 (after line 8), after clause 8-3, insert:

**8-3A Adjustments to amounts**

- (1) The Commission must, in respect of each amount that would otherwise be payable to a health fund under section 8-3, make such adjustments to take account of:
- (a) policies that the health fund issued to participants in the incentives scheme other than on the first day of a month; and
  - (b) policies that the health fund issued to participants in the incentives scheme that were terminated other than on the first day of a month;

as are required by this section.

- (2) Adjustments must be worked out in respect of the periods determined by the Managing Director.
- (3) Adjustments must be worked out in accordance with guidelines made, in writing, by the Minister relating to:
  - (a) the circumstances in which adjustments will be made; and
  - (b) how the amounts of adjustments will be worked out.

Note: Decisions relating to whether to make adjustments, and the amounts of adjustments that are made, are reviewable under section 13-1.
- (4) Guidelines made under subsection (3) are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Clause 13-1, page 36 (after line 15), after paragraph (c), insert:

- (ca) a decision by the Commission relating to whether to make an adjustment under section 8-3A, or relating to the amount of an adjustment made under that section;

Page 36 (after line 30), after clause 13-2, insert:

### **13-2A False or misleading information in applications**

A person is guilty of an offence if:

- (a) the person makes an application under section 4-3; and
- (b) the application contains information that is false or misleading in a material particular.

Penalty: 30 penalty units.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Schedule 1, page 39 (after line 6), after the definition of *Managing Director*, insert:

**notification period**, in relation to a month, means the period starting on the first day of the month and finishing on the seventh day of the month.

Bill, as amended, agreed to.

Consideration in detail concluded.

Dr Wooldridge, by leave, moved—That the Bill be now read a third time.

Debate ensued.

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

## **4 HEALTH LEGISLATION AMENDMENT (PRIVATE HEALTH INSURANCE INCENTIVES) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Dr Wooldridge (Minister for Health and Family Services), the Bill was read a third time.

### 5 MEDICARE LEVY AMENDMENT BILL (NO. 2) 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 Lee, viz.*—That all words after “That” be omitted with the view to substituting the following words: “the House is of the opinion that the Bill should not be proceeded with unless all of the revenue raised by the measures in this Bill is used to increase Federal Government funding for public hospitals”—

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, 81

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

#### NOES, 42

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr O’Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Sawford*
Mr Beddall	Mr E. L. Grace*	Ms Macklin	Mr Sercombe
Mr Brereton	Mr Griffin	Mr McLeay	Mr S. F. Smith
Mr Brown	Mr Hatton	Mr McMullan	Mr Tanner
Mr Crean	Mr Holding	Mr Martin	Dr Theophanous
Mrs Crosio	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mr Dargavel	Mr Jenkins	Mr A. A. Morris	Mr Wilton
Mr G. J. Evans	Mr Jones	Mr P. F. Morris	
Mr M. J. Evans	Mr Kerr	Mr O’Connor	

\* 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

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

Clause 8B—

Page 6, line 15, omit “\$50,000”, substitute “\$50,000 adjusted, as appropriate, by the index number”.

Page 6, after subclause (2), add the following subclause:

- (3) For the purposes of subsection (2), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 8H.

Clause 8C—

Page 7, line 16, omit “\$100,000”, substitute “\$100,000 adjusted, as appropriate, by the index number”.

Page 7, after subclause (3), add the following subclause:

- (4) For the purposes of subsection (3), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 8H.

Clause 8D—

Page 8, line 23, and page 9, lines 4 and 8, omit “\$100,000” (wherever occurring), substitute “\$100,000 adjusted, as appropriate, by the index number”.

Page 9, after subclause (4), insert the following subclause:

- (4A) For the purposes of subsections (3) and (4), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 8H.

Clause 8E—

Page 9, line 27, omit “\$50,000”, substitute “\$50,000 adjusted as appropriate, by the index number”.

Page 10, after subclause (2) add the following subclause:

- (3) For the purposes of subsection (2), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 8H.

Clause 8F—

Page 10, line 16, omit “\$100,000”, substitute “\$100,000 adjusted, as appropriate, by the index number”.

Page 10, after subclause (2), add the following subclause:

- (3) For the purposes of subsection (2), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 8H.

Clause 8G—

Page 11, line 20, and page 12, lines 3 and 7, omit “\$100,000” (wherever occurring), substitute “\$100,000 adjusted, as appropriate, by the index number”.

Page 12, after subclause (3), insert the following subclause:

- (3A) For the purposes of subsections (2) and (3), adjustment of the maximum amount is determined by multiplying the sum specified by the index number (rounding down to the nearest whole dollar).

Note: For *index number*, see section 8H.

Page 12, after clause 8G, insert the following clause:

### **8H Meaning of *index number***

In section 8B, 8C, 8D, 8E, 8F or 8G:

- (1) *index number*, in relation to a maximum amount, means the number, calculated to 3 decimal places, worked out under the following formula:

$$\frac{\text{average weekly earnings for immediately preceding financial year}}{\text{average weekly earnings for financial year 1996 - 97.}}$$

- (2) For the purposes of subsection (1) *average weekly earnings* means the amount:
- (a) estimated as the average total weekly earnings to date of all employees (all persons) in Australia; and
  - (b) published by the Australian Statistician in relation to a year up to 30 June of that year.
- (3) Subject to subsection (4), if at any time, whether before or after the commencement of this Part, the Australian Statistician has published or publishes an average total weekly earnings number in respect of a year in substitution for an average total weekly earnings number previously published by the Australian Statistician in respect of that year, the publication of the later number shall be disregarded for the purposes of sections 8B, 8C, 8D, 8E, 8F and 8G.
- (4) If at any time, whether before or after the commencement of this Part, the Australian Statistician has changed or changes the reference base for the average total weekly earnings, then, for the purposes of the application of sections 8B, 8C, 8D, 8E, 8F and 8G

after the change took place or takes place, regard shall be had only to numbers published in terms of the new reference base.

Amendments negatived.

Bill agreed to.

Consideration in detail concluded.

Dr Wooldridge (Minister for Health and Family Services), by leave, moved—  
That the Bill be now read a third time.

Debate ensued.

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

#### 6 TAXATION LAWS AMENDMENT (PRIVATE HEALTH INSURANCE INCENTIVES) 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—

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

*Consideration in detail*

Bill, by leave, taken as a whole.

Dr Wooldridge (Minister for Health and Family Services), by leave, moved the following amendments together:

Clause 2, page 2 (after line 2), at the end of the clause, add:

- (5) Item 2 of Schedule 3 is taken to have commenced immediately after item 1 of that Schedule.

Page 13 (after line 32), at the end of the Bill, add:

### **Schedule 3—Amendments relating to rebate for medical expenses**

#### **1 Paragraph 159P(3A)(b)**

Omit “\$1,000”, substitute “\$1,430”.

#### **2 Paragraph 159P(3A)(b)**

Omit “\$1,430”, substitute “\$1,500”.

#### **3 Application**

- (1) The amendment made by item 1 applies to assessments in respect of income of the 1996-97 year of income.
- (2) The amendment made by item 2 applies to assessments in respect of income of the 1997-98 year of income and for all later years of income.

*Paper:* Dr Wooldridge presented a supplementary explanatory memorandum to the Bill.

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Dr Wooldridge, by leave, the Bill was read a third time.

#### 7 COMMONWEALTH SERVICES DELIVERY AGENCY 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.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

#### 8 QUESTIONS

Questions without notice being asked—

*Member ordered to withdraw:* At 3.02 p.m. the Member for Denison (Mr Kerr) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a general warning had been given by the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continued.

#### 9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LEGAL AID FUNDING

The House was informed that Mr Melham had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The concern being raised across the nation following the Howard Government’s budget decision to slash legal aid funding by \$120 million”.

The proposed discussion having received the necessary support—

Mr Melham addressed the House.

Discussion ensued.

Discussion concluded.

#### 10 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 6, government business, be postponed until a later hour this day.

#### 11 AVIATION LEGISLATION AMENDMENT BILL (NO. 1) 1997

Mr Sharp (Minister for Transport and Regional Development), pursuant to notice, presented a Bill for an Act to amend various Acts relating to aviation, and for related purposes.

Bill read a first time.

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

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

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

**12 MARINE PERSONNEL LEGISLATION AMENDMENT BILL 1996—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Marine Personnel Legislation Amendment Bill 1996 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Dr Wooldridge (Minister for Health and Family Services), by leave, the Bill was read a third time.

**13 FINANCIAL TRANSACTION REPORTS AMENDMENT BILL 1996—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Financial Transaction Reports Amendment Bill 1996 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Dr Wooldridge (Minister for Health and Family Services), by leave, the Bill was read a third time.

**14 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS**

Mr J. N. Andrew (Chairman) presented the following papers:

Public Works—Parliamentary Standing Committee—Reports—

Development of facilities for the Army Logistics Training Centre and the Bandiana Logistics Group at Bandiana and Bonegilla, Vic. (3rd report of 1997).

60th general report of the Committee, 1997, pursuant to the Public Works Committee Act.

Severally ordered to be printed.

Mr J. N. Andrew, Mr Lieberman and Mr Hollis, by leave, made statements in connection with the reports.

**15 COMMONWEALTH SERVICES DELIVERY AGENCY 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 by Mr M. J. Ferguson 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 expresses grave concern about:

- (1) the lack of parliamentary scrutiny of, and public accountability for, the use of the Minister’s power to require the Board of the Agency to implement the ‘general policies’ of the Government in relation to the Agency, the Board or the employees of the Agency;

- (2) the Board's unfettered power to set the terms and conditions of the Chief Executive Officer; and
- (3) the erosion of public service terms and conditions through the Agency's ability to employ staff under terms and conditions different to those specified in the Public Service Act".

Debate continued.

Debate adjourned (Mr Cadman), and the resumption of the debate made an order of the day for a later hour this day.

#### 16 BILL REFERRED TO MAIN COMMITTEE

Mr Cadman (Chief Government Whip), by leave, moved—That the Commonwealth Services Delivery Agency Bill 1996 be referred to the Main Committee for further consideration.

Question—put and passed.

#### 17 MESSAGES FROM THE SENATE

Messages from the Senate, dated 26 February 1997, were reported acquainting the House that:

- (a) Senator Ellison had been discharged from attendance on the Joint Standing Committee on Treaties, and Senator Coonan had been appointed a member of the committee—Message No. 143; and
- (b) Senator Ellison had been discharged from attendance on the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, and Senator Ferris had been appointed a member of the committee—Message No. 144.

#### 18 MESSAGE FROM THE SENATE—TRADE PRACTICES AMENDMENT (INDUSTRY ACCESS CODES) BILL 1997

Message No. 142, dated 25 February 1997, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Trade Practices Act 1974*, and for related purposes.

Bill read a first time.

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

#### 19 VETERANS' AFFAIRS LEGISLATION AMENDMENT (1996-97 BUDGET AND OTHER MEASURES) 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.

Debate adjourned (Mr Melham), and the resumption of the debate made an order of the day for a later hour this day.

**20 BILL REFERRED TO MAIN COMMITTEE**

Mr Williams (Attorney-General and Minister for Justice), by leave, moved—  
That the Veterans' Affairs Legislation Amendment (1996-97 Budget and Other Measures) Bill 1996 be referred to the Main Committee for further consideration.

Question—put and passed.

**21 HEARING SERVICES ADMINISTRATION 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.

Ms Macklin addressing the House—

**22 ADJOURNMENT**

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

Debate ensued.

Question—put and passed.

And then the House, at 7.58 p.m., adjourned until tomorrow at 9.30 a.m.

**PAPERS**

The following papers were deemed to have been presented on 26 February 1997:

Defence Act—

Defence Force Remuneration Tribunal—Determinations 1997 Nos. 1, 2.

Determinations under section 58B 1997 Nos. 5, 6, 7.

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr K. J. Andrews, Mr Bevis, Mr Broadbent, Ms Hanson, Mr Latham, Mr Mossfield and Mr Willis.

**L. M. BARLIN**

Clerk of the House of Representatives

1996-97

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

No. 71

**MAIN COMMITTEE**  
**MINUTES OF PROCEEDINGS**  
**WEDNESDAY, 26 FEBRUARY 1997**

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1 The Main Committee met at 10 a.m.

2 **APPROPRIATION BILL (NO. 3) 1996-97**

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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*Suspension of sitting:* At 12.29 p.m., a division having been called in the House, the proceedings were suspended.

*Resumption of sitting:* At 12.45 p.m., the proceedings were resumed.

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Debate continued.

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*Suspension of sitting:* At 12.58 p.m., the Deputy Speaker left the Chair.

*Resumption of sitting:* At 4.37 p.m., the Deputy Speaker resumed the Chair.

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Debate continued.

Debate adjourned (Mr J.N. Andrew), and the resumption of the debate made an order of the day for a later hour this day.

3 **POSTPONEMENT OF ORDERS OF THE DAY**

Ordered—That orders of the day Nos. 2 and 3, government business, be postponed until a later hour this day.

**4 LAW AND JUSTICE 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—

Debate resumed.

*Paper:* Mr Williams (Attorney-General and Minister for Justice), by leave, presented a supplementary explanatory memorandum to the Bill.

Debate continued.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

On the motion of Mr Williams, by leave, the following amendments were made together:

Clause 2, page 2 (after line 4), at the end of the clause, add:

- (4) Items 1A to 1D of Schedule 8 commence immediately after the commencement of item 19 of Schedule 16 to the *Workplace Relations and Other Legislation Amendment Act 1996*.

Schedule 8—

Page 19 (after line 3), before item 1, insert:

**1A Before subsection 18AB(1)**

Insert:

- (1A) The Rules of Court may delegate to the Judicial Registrars, either generally or as otherwise provided in the Rules, all or any of the Court's powers in relation to proceedings in the Court in the exercise of the Court's original jurisdiction, except:
- (a) proceedings in which the amount sought, or the value of the subject matter, is more than \$100,000; and
  - (b) proceedings for a prerogative writ or an order in the nature of a prerogative writ; and
  - (c) proceedings that involve a claim under the *Workplace Relations Act 1996*; and
  - (d) proceedings arising under the *Human Rights and Equal Opportunity Commission Act 1986*; and
  - (e) proceedings arising under the *Native Title Act 1993*.

Powers of the Court in relation to proceedings mentioned in any of paragraphs (a) to (e) may, however, be delegated to Judicial Registrars by the Rules of Court if this is expressly provided for by another provision of this or any other Act.

**1B Subsection 18AB(3)**

Omit "Without limiting subsection (1), Rules of Court made in respect of that subsection", substitute "Rules of Court made for the purposes of this section".

**1C Subsection 18AB(6)**

Omit “subsection (1)”, substitute “this section”.

**1D Subsection 18AB(7)**

Omit “subsection (1)”, substitute “this section”.

Page 19 (line 10), omit “(1A)”, substitute “(1AA)”.

Page 19 (after line 14), after item 2, insert:

**2A Subsection 24(2)**

Omit “On or after”, substitute “Subject to subsection (2A), on or after”.

**2B After subsection 24(2)**

Insert:

(2A) An appeal may not be brought to the High Court from a judgment of the Supreme Court of the Australian Capital Territory given after the commencement of this subsection when that Court is known as the Court of Disputed Elections under subsection 252(1) of the *Electoral Act 1992* of that Territory.

Page 21 (after line 10), at the end of the Schedule, add:

**12 Subsection 53A(1)**

Omit “, with the consent of the parties to proceedings in the Court, by order refer the proceedings”, substitute “by order refer the proceedings in the Court”.

**13 After subsection 53A(1)**

Insert:

(1A) Referrals under subsection (1) to a mediator may be made with or without the consent of the parties to the proceedings. However, referrals to an arbitrator may be made only with the consent of the parties.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

**5 TRANS-TASMAN MUTUAL RECOGNITION 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 the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

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*Suspension of sitting:* At 6.09 p.m., the Deputy Speaker left the Chair.

*Resumption of sitting:* At 6.45 p.m., the Deputy Speaker resumed the Chair, and a quorum not being present—

*Suspension of sitting:* The Deputy Speaker left the Chair.

*Resumption of sitting:* At 6.50 p.m., the Deputy Speaker resumed the Chair, and a quorum being present—

## 6 COMMONWEALTH SERVICES DELIVERY AGENCY 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 M.J. Ferguson, 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 expresses grave concern about:

- (1) the lack of parliamentary scrutiny of, and public accountability for, the use of the Minister’s power to require the Board of the Agency to implement the ‘general policies’ of the Government in relation to the Agency, the Board or the employees of the Agency;
- (2) the Board’s unfettered power to set the terms and conditions of the Chief Executive Officer; and
- (3) the erosion of public service terms and conditions through the Agency’s ability to employ staff under terms and conditions different to those specified in the Public Service Act”—

Debate resumed.

Mr Jenkins 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.

## 7 ADJOURNMENT

On the motion of Mr M.A.J. Vaile, the Main Committee adjourned at 7.30 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.

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**I. C. HARRIS**  
Clerk of the Main Committee