

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 87

TUESDAY, 27 MAY 1997

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

2 QUESTIONS

Questions without notice were asked.

3 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 34 of 1996-97—Performance audit—Australian Defence Force health services: Department of Defence.

Mr Reith (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 34 of 1996-97; and
- (2) the report be printed.

Question—put and passed.

4 PAPERS

The following papers were presented:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Report—Review of Auditor-General's audit report No. 6 of 1995-96—Performance audit—Community Development Employment Projects Scheme: Aboriginal and Torres Strait Islander Commission, December 1996—Government response.

Australian Science and Technology Council Act—Australian Science, Technology and Engineering Council—Report—Foundations for Australia's future: Science and technology in primary schools, May 1997.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—Federal Airports Corporation (FAC)—Report for 1996.

Science and Technology budget statement 1997-98.

Treaty—

Multilateral together with national interest analysis—

Amendments, done at Geneva in April 1997, to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals, of 23 June 1979.

5 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian Science and Technology Council Act—Australian Science, Technology and Engineering Council—Report—Foundations for Australia's future: Science and technology in primary schools, May 1997.

Science and technology budget statement 1997-98.

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

6 ABORIGINALS REFERENDUM—30TH ANNIVERSARY

Mr Howard (Prime Minister), by leave, moved—That this House:

- (1) recognises that today, 27 May 1997, is the 30th anniversary of the referendum that amended section 51(xxvi) of the Constitution, which gave the Commonwealth the power to make special laws for the people of any race, in particular Aboriginal and Torres Strait Islander people;
- (2) reaffirms the support for the outcome of that referendum, which received the unprecedented support of 90.77 per cent of the Australian people;
- (3) recognises the need for the legislative and other powers of the Commonwealth to be used to address the profound economic and social disadvantage continuing to be suffered by indigenous Australians—with specific emphasis on and practical measures to address health, housing, education and employment;
- (4) supports the reconciliation process as being important to all Australians and recognises the need to acknowledge past injustices, but emphasises the value of a cooperative effort to build a better future for all Australians; and
- (5) supports the request that the plaque symbolically commemorating the 1967 referendum, unveiled today in Melbourne by the Governor-General and Dr Faith Bandler at the Australian Reconciliation Convention, be appropriately housed within Old Parliament House.

Mr Beazley (Leader of the Opposition) moved, as an amendment—Omit paragraphs (3), (4) and (5), substitute the following paragraphs:

- “(3) recognises, as was made abundantly clear by the political leaders of the time, that the referendum was passed with the intent that the power conferred on the Commonwealth only be used for the benefit of the Aboriginal and Torres Strait Islander people;

- (4) recognises the continuing need for the legislative and other powers of the Commonwealth to be used to redress the profound economic and social disadvantage continuing to be suffered by indigenous Australians — not only through health, housing, education, employment and related measures, but also through measures to redress, to the extent now possible, the deprivation of life, liberty, property and dignity which indigenous people have suffered through so much of Australia's history;
- (5) recognises the critical importance to indigenous Australians and the wider Australian community of a continuing reconciliation process, based on understanding of and frank apologies for what has gone wrong in the past, and total commitment to equal respect in the future;
- (6) calls upon all Australian governments and Parliaments, and all Australians, to respect and honour both the letter and spirit of the 1967 referendum; and
- (7) supports the request that the plaque symbolically commemorating the 1967 referendum, unveiled today in Melbourne by the Governor-General and Dr Faith Bandler at the Australian Reconciliation Convention, be appropriately housed within Parliament House".

Debate continued.

Ms Hanson moved, as an amendment to the proposed amendment—That all words after "paragraphs" (first occurring) be omitted with a view to substituting the following: "(2), (3), (4) and (5) substitute the following paragraphs:

- (2) reaffirms support for the spirit of that referendum, which received the support of 90.77 percent of the Australian people;
- (3) recognises that the Commonwealth's legislative and other powers should be used to address the economic and social disadvantages suffered by Australians of any background on the basis of need;
- (4) emphasises the value of a cooperative effort to build a better future for all Australians, regardless of race, creed or colour; and
- (5) supports the request that the plaque symbolically commemorating the 1967 referendum, unveiled today in Melbourne by the Governor-General and Dr Faith Bandler at the Australian Reconciliation Convention, be appropriately housed within Old Parliament House".

Debate continued.

Question—That the amendment to the proposed amendment be agreed to—put. The House divided and only Mr Campbell, Mr Filing and Ms Hanson voting "Aye", the Deputy Speaker (Mr Nehl) declared the question resolved in the negative.

Question—That the amendment moved by Mr Beazley be agreed to—put.

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

AYES, 47

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

NOES, 85

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

* Tellers

And so it was negatived.

Question—That the motion be agreed to—put and passed.

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SMALL BUSINESS

The House was informed that Mr Martin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to address problems facing small business".

The proposed discussion having received the necessary support—

Mr Martin addressed the House.

Discussion ensued.

Discussion concluded.

8 MESSAGE FROM THE SENATE—AIDC SALE BILL 1997

The following message from the Senate was reported:

Message No. 230

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Australian Industry Development Corporation Act 1970*, and for other 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.

MARGARET REID

President

The Senate

26 May 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, item 39, page 16 (after line 23), at the end of section 33K, add:

- (6) If a share in a company vests in a person under this section, the company must register the person as the holder of the share.
- (7) Subsection (6) has effect despite anything in the Corporations Law.

- (2) Schedule 1, item 39, page 16 (after line 23), after section 33K, insert:

33KA Special provisions relating to shares in the Australian Submarine Corporation

- (1) If an AIDC body is the holder of legal or beneficial interests in shares in the Australian Submarine Corporation, the Minister for Finance must:
 - (a) make such a declaration under section 33K as will result in the Australian Industry Development Corporation becoming the holder of those interests before 1 September 1997; or
 - (b) make such a series of successive declarations under section 33K as will result in the Australian Industry Development Corporation ultimately becoming the holder of those interests before 1 September 1997 as a consequence of one or more interposed transfers to other AIDC bodies.
- (2) If the Australian Industry Development Corporation becomes the holder of those interests as a result of the declaration or any of those declarations, this Act does not prevent those interests from being subsequently sold or transferred.
- (3) If the Australian Industry Development Corporation becomes the holder of those interests as a result of the declaration or any of those declarations, the Australian Industry Development Corporation

must not subsequently sell or transfer those interests to a foreign person (within the meaning of the *Foreign Acquisitions and Takeovers Act 1975*) unless:

- (a) immediately before the commencement of this section, the foreign person had an entitlement to acquire those interests; and
- (b) immediately before the commencement of this section, the foreign person was a registered shareholder in the Australian Submarine Corporation; and
- (c) that entitlement:
 - (i) arises out of a shareholders' agreement; or
 - (ii) relates, directly or indirectly, to the foreign person's capacity as a registered shareholder in the Australian Submarine Corporation; and
- (d) the sale or transfer:
 - (i) gives effect to that entitlement; or
 - (ii) would have given effect to that entitlement if it were assumed that AIDC bodies and the Australian Industry Development Corporation were the same entity.
- (4) For the purposes of this section, a person is *entitled to acquire* any thing if the person is absolutely or contingently entitled to acquire it, whether because of any constituent document of a company, the exercise of any right or option or for any other reason.
- (5) In this section:

Australian Submarine Corporation means Australian Submarine Corporation Pty Limited.

On the motion of Mr Fahey (Minister for Finance), the amendments were agreed to, after debate.

9 MESSAGE FROM THE GOVERNOR-GENERAL—NATURAL HERITAGE TRUST OF AUSTRALIA BILL 1996

Message No. 140, dated 14 March 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of requests for amendments of a Bill for an Act to establish the Natural Heritage Trust of Australia Reserve, and for related purposes.

10 MESSAGE FROM THE SENATE—NATURAL HERITAGE TRUST OF AUSTRALIA BILL 1996

The following message from the Senate was reported:

Message No. 229

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to establish the Natural Heritage Trust of Australia Reserve, and for related**

purposes, and requests the House to amend the bill as indicated by schedule A annexed.

The Senate informs the House that the amendments indicated by schedule B annexed have been made by the Senate.

MARGARET REID

President

The Senate

15 May 1997

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF REQUESTS BY THE SENATE FOR AMENDMENTS

- (1) Clause 3, page 3 (line 8), omit “\$1 billion”, substitute “\$1.1 billion”.
- (2) Clause 6, page 4 (line 17) to page 5 (line 3), omit the clause, substitute:

6 Investments and income of the Reserve

Investments

- (1) Amounts equal to income derived from the investment of money in the Reserve are to be transferred to the Reserve from the Consolidated Revenue Fund.

Note 1: Money in the Reserve may be invested in accordance with whichever of the following Acts is applicable:

- (a) the *Financial Management and Accountability Act 1996*;
- (b) the *Audit Act 1901*.

Note 2: Under section 81 of the Constitution, income from investments must be paid into the Consolidated Revenue Fund.

Fixed income—uninvested money

- (2) Within 28 days after the end of a financial year, there is to be transferred to the Reserve from the Consolidated Revenue Fund, in respect of the financial year, an amount equal to the fixed-income percentage of the uninvested money in the Reserve as at the end of the financial year.

Fixed-income percentage

- (3) For the purposes of the application of subsection (2) to a particular financial year, the ***fixed-income percentage*** is:
 - (a) if the financial year begins on or before 1 July 2001:
 - (i) 8%; or
 - (ii) if the Minister for Finance, by written instrument made within 28 days after the end of the financial year, determines a higher percentage—that higher percentage; or
 - (b) if the financial year begins on or after 1 July 2002:

- (i) the percentage equal to the rate of interest earned by the Commonwealth as at the end of the financial year on deposits held with the Reserve Bank of Australia; or
- (ii) if the Minister for Finance, by written instrument made within 28 days after the end of the financial year, determines a higher percentage—that higher percentage.

Advances on account of fixed income

- (4) During a financial year, the Minister for Finance may, by written instrument, determine that a specified amount is to be transferred to the Reserve from the Consolidated Revenue Fund by way of an advance on account of the amount that may become transferable to the Reserve under subsection (2) in respect of the financial year. The determination has effect accordingly.
- (5) For each \$1 transferred under subsection (4) in respect of a financial year, the amount transferred under subsection (2) in respect of the financial year is to be reduced by \$1.
- (6) If:
 - (a) at the end of a financial year, the total amount transferred to the Reserve under subsection (4) in respect of the financial year; exceeds:
 - (b) the amount (if any) that would have been transferred to the Reserve under subsection (2) in respect of the financial year if it were assumed that no amounts had been transferred under subsection (4) in respect of the financial year;
 there is to be transferred to the Consolidated Revenue Fund from the Reserve an amount equal to the excess.
- (3) Clause 9, page 7 (after line 2), insert:
 - (ea) environmental protection (as defined by section 15), being environmental protection that involves the carrying out of a project, or a program, the primary objective of which is to maintain or replenish Australia's environmental infrastructure;
 - (eb) supporting sustainable agriculture (as defined by section 16), being support that involves the carrying out of a project, or a program, the primary objective of which is to maintain or replenish Australia's environmental infrastructure;
 - (ec) natural resources management (as defined by section 17), being natural resources management that involves the carrying out of a project, or a program, the primary objective

of which is to maintain or replenish Australia's environmental infrastructure;

- (4) Clause 22, page 13 (line 9), omit "\$1 billion", substitute "\$1.1 billion".

Note: The heading to clause 22 (page 13, line 3) is altered by omitting "\$1 billion" and substituting "\$1.1 billion".

- (5) Clause 32, page 17 (lines 17 and 18), omit "equal to 30% of the total amount transferred to the Reserve under section 22 before 1 July 2001", substitute "\$300 million".

- (6) Clause 32, page 17 (lines 21 and 22), omit paragraph (a).

- (7) Clause 32, page 17 (line 23), omit "the result of that calculation", substitute "\$300 million".

On the motion of Mr Anderson (Minister for Primary Industries and Energy), the requested amendments were made, after debate.

11 SELECTION COMMITTEE—REPORT

Mr Nehl (Chair) presented the following paper:

Selection Committee—Report relating to the consideration of committee and delegation reports and private Members' business on Monday, 2 June 1997.

12 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 1, government business, be postponed until a later hour this day.

13 BILLS REFERRED TO MAIN COMMITTEE

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

Industrial Chemicals (Notification and Assessment) Amendment 1997;

Industrial Chemicals (Registration Charge—Excise) 1997;

Industrial Chemicals (Registration Charge—Customs) 1997;

Industrial Chemicals (Registration Charge—General) 1997;

National Residue Survey (Ratite Slaughter) Levy 1997;

Wine Export Charge 1997;

Wine Export Charge (Consequential Amendments) 1997;

Primary Industries and Energy Legislation Amendment (No. 2) 1997;

Social Security Legislation Amendment (Activity Test Penalty Periods) 1997; and

Veterans' Affairs Legislation Amendment (Budget and Simplification Measures) 1997.

Debate ensued.

Question—put and passed.

14 APPROPRIATION BILL (NO. 1) 1997-98—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 by Mr G. J. Evans (Deputy Leader of the Opposition) 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 notes that the Budget:

- (1) does nothing for jobs—the nation’s most overwhelming current economic and social problem;
- (2) squanders, by breaking the promise to introduce superannuation co-contributions, an historic opportunity to build a massive new private savings pool, and does so in a way that undercuts decent retirement incomes for lower and middle income earners;
- (3) continues the assault on families, the elderly and the needy;
- (4) contains many mindless and counter-productive cuts affecting the quality and decency of life in Australia, and harming our international reputation;
- (5) for all its cuts and destructive impact, did not meet the exaggerated expectations the Government had created as to the size of its deficit reduction achievements and projected future surpluses; and
- (6) has been characterised by even the Government’s best friends as lacking in shape, direction and vision”.

Debate continued.

Mr Lindsay addressing the House—

15 ADJOURNMENT

It being 10.30 p.m.—The question was proposed—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 9.30 a.m.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Fischer, Mr Katter, Mrs Moylan, Mr Nugent and Ms Worth.

L. M. BARLIN

Clerk of the House of Representatives