

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 120

WEDNESDAY, 22 OCTOBER 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 POSTPONEMENT OF NOTICES

Ordered—That notices Nos. 1 and 2, given by the Speaker, be postponed until a later hour this day.

3 CIVIL AVIATION LEGISLATION AMENDMENT BILL 1997

Mr M. A. J. Vaile (Minister for Transport and Regional Development), pursuant to notice, presented a Bill for an Act to amend the law relating to civil aviation, and for related purposes.

Bill read a first time.

Mr M. A. J. Vaile moved—That the Bill be now read a second time.

Paper

Mr M. A. J. Vaile 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.

4 DEFENCE SERVICE HOMES AMENDMENT BILL 1997

Mr Scott (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to amend the *Defence Service Homes Act 1918*, and for related purposes.

Bill read a first time.

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

Paper

Mr Scott presented an explanatory memorandum to the Bill.

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

5 HEALTH INSURANCE COMMISSION (REFORM AND SEPARATION OF FUNCTIONS) BILL 1997—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate, viz.:

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 21, page 18 (line 14), omit "12", substitute "18".
- (2) Clause 28, page 21 (line 4), omit "12", substitute "18"—

On the motion of Dr Wooldridge (Minister for Health and Family Services), the amendments were agreed to.

6 MESSAGE FROM THE SENATE—SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (MALE TOTAL AVERAGE WEEKLY EARNINGS BENCHMARK) BILL 1997

Message No. 343, dated 21 October 1997, from the Senate was reported returning the Social Security and Veterans' Affairs Legislation Amendment (Male Total Average Weekly Earnings Benchmark) Bill 1997 and acquainting the House that the Senate had agreed to the bill as amended by the House at the request of the Senate, with the amendments indicated by the annexed schedule.

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, item 2, page 4 (after line 31), after subsection (3), insert:
 - (3A) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes the amount referred to in subsection (3):
 - (a) under differently described headings (the *new headings*); or
 - (b) in a document entitled otherwise than as described in subsection (3) (the *new document*);
 then the *annualised MTAW figure* is to be calculated in accordance with subsection (3) as if the references to:
 - (c) "Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL"; or
 - (d) "Average Weekly Earnings, States and Australia";
 were references to the new headings and/or the new document, as the case requires.
- (2) Schedule 1, item 4, page 7 (after line 2), after subsection (3), insert:
 - (3A) If at any time (whether before or after the commencement of this section), the Australian Statistician publishes the amount referred to in subsection (3):
 - (a) under differently described headings (the *new headings*); or
 - (b) in a document entitled otherwise than as described in subsection (3) (the *new document*);

then the *annualised MTAW figure* is to be calculated in accordance with subsection (3) as if the references to:

- (c) “Average Weekly Earnings of Employees, Australia—Males—All males—Total earnings—ORIGINAL”; or
- (d) “Average Weekly Earnings, States and Australia”;

were references to the new headings and/or the new document, as the case requires.

On the motion of Mr Ruddock (Minister representing the Minister for Social Security), the amendments were agreed to.

7 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the following Bill without amendment:

20 October 1997—Message No. 339—Vocational Education and Training Funding Amendment 1997—

and requesting the concurrence of the House in a resolution relating to TAFE funding.

Legislative process—Statement by Speaker

The Speaker referred to the standing orders of both the Senate and the House of Representatives relating to the transmission of Bills and the communication of resolutions to the other House by message. The Speaker stated that the message sought to include, in the formal legislative process on a Bill, other matters not necessary for the enactment of the measure and accordingly he did not propose to call for a motion on the resolution.

8 NATIVE TITLE AMENDMENT 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—*And on the amendment moved thereto by Mr G. J. Evans (Deputy Leader of the Opposition), 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 notes that:

- (1) native title rights, including on pastoral leases, are fundamental legal property rights, acknowledged and upheld as such by the High Court, and entitled to the same respect and protection as the property rights of non-indigenous Australians: any amendment of the Native Title Act in response to the *Wik* decision or for any other reason must fully reflect that reality;
- (2) it is in the national interest that the Act balance and reconcile to the maximum possible extent the interests and reasonable expectations of both indigenous Australians and other major stakeholders—farmers, miners and Australian taxpayers generally;
- (3) it is both in the national interest, and in the interests of indigenous Australians, farmers and miners, that there be the maximum possible

predictability and certainty about the status of the Act and its practical operation;

- (4) there is a need, in particular, to guarantee the constitutional validity of the legislation, by ensuring that legislation operates for the net benefit of indigenous Australians;
- (5) it is also in everyone's interest that the processes established by this legislation to deal with the registration and determination of claims, and the reconciliation of competing interests, be as effective and expeditious as possible;
- (6) there are aspects of the Bill which may advance these objectives, in particular by encouraging and assisting the entering into of agreements, and by setting a stricter regime for the registration of claims;
- (7) nonetheless, the Bill is seriously deficient, and requires substantial amendment, in many respects, including:
 - (a) the reach of the validation provisions beyond that which is necessary for the practical redress of post-*Wik* problems;
 - (b) the manifestly unacceptable over-reach of the provisions purporting to confirm the extinguishment of native title where exclusive tenure has previously been involved;
 - (c) the unnecessarily broad application, in relation to coexistence on pastoral leases, of the statutory authorisation of non-pastoral activities;
 - (d) the unnecessarily broad application of extinguishment in relation to the provision of government services and public works;
 - (e) the indefensibly limited test for allowing statutory access rights for registered claimants;
 - (f) the dramatic limitation of the right to negotiate, and in particular its effective elimination in relation to mining on pastoral leases, which (along with the provisions amounting to direct or de facto extinguishment) significantly tilts the balance of the legislation against indigenous Australians;
 - (g) the unacceptable limitation on the effective enjoyment of the right to negotiate which is involved in powers of early ministerial intervention;
 - (h) the absurd and counterproductive sunset clause, which will simply ensure a proliferation of ambit claims under the Act, and the pursuit of future claims through expensive and complex common law processes;
 - (i) the inappropriately rigid and legalistic constraints on Registrars in the management of claims; and
 - (j) the inappropriate introduction of formal rules of evidence, and limitations on the extent to which cultural and customary concerns can be taken into account, in the Federal Court claims process"—

Debate resumed.

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

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

AYES, 87

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

NOES, 45

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

* Tellers

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put.

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

AYES, 86

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

NOES, 45

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

* Tellers

And so it was resolved in the affirmative—Bill read a second time.

Messages from the Governor-General

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

No. 192, dated 3 September 1997, recommending an appropriation for the purposes of the Bill; and

No. 193, dated 26 September 1997, recommending an appropriation for the purposes of an amendment to the Bill.

Consideration in detail

Schedule 1—

Debate adjourned (Mr Miles—Parliamentary Secretary (Cabinet) to the Prime Minister), and the resumption of the debate made an order of the day for the next sitting.

9 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE

The House was informed that the Government Whip had nominated Dr Nelson to be a member of the Standing Committee on Employment, Education and Training in place of Mr Charles.

10 FARM HOUSEHOLD SUPPORT AMENDMENT (RESTART AND EXCEPTIONAL CIRCUMSTANCES) 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.

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.

11 QUESTIONS

Questions without notice were asked.

12 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the complaint of breach of privilege raised on 2 October 1997 by Mr Melham concerning the actions of the Attorney-General in respect of the presentation by the Australian Law Reform Commission of a submission to the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund.

The Speaker stated that under the current law if a contempt or breach of privilege had been committed it would be because an action or actions amounted to or were intended or likely to amount to an improper interference with the free performance by the committee of its authority or functions (section 4 of the Parliamentary Privileges Act). The Speaker further stated that he was unable to form the opinion that a prima facie case of contempt had been made out and he did not consider the papers presented to the House constituted evidence of improper interference.

13 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the complaint of breach of privilege raised on 20 October 1997 by Mr Melham following the presentation by Mr Williams (Attorney-General) of certain papers concerning from the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund.

The Speaker stated that it was not clear that in fact either document would be covered by the provisions of relevant standing orders dealing with the

unauthorised disclosure of documents and, and that accordingly, in his opinion a prima facie case had not been made.

14 AUDITOR-GENERAL'S REPORTS

The Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1997-98—Performance audits—

No. 7—Immigration compliance function—Follow-up audit: Department of Immigration and Multicultural Affairs.

No. 8—The Management of occupational stress in Commonwealth employment.

Severally ordered to be printed.

15 PAPERS

The following papers were presented:

Affirmative Action (Equal Employment Opportunity for Women) Act—Affirmative Action Agency—Report for period 1 June 1996 to 31 May 1997.

Archives Act—Australian Archives and Advisory Council on Australian Archives—Reports for 1996-97.

Australian Capital Territory (Planning and Land Management) Act—National Capital Planning Authority—Report for 1996-97.

Australian Film Commission Act—Australian Film Commission—Report for 1996-97.

Australian Film Finance Corporation Limited—Report for 1996-97.

Australian Film, Television and Radio School Act—Australian Film, Television and Radio School—Report for 1996-97.

Australian Institute of Aboriginal and Torres Strait Islander Studies Act—Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 1996-97.

Australian Maritime Safety Authority Act—Australian Maritime Safety Authority—Report for 1996-97.

Australian Securities Commission Act—Australian Securities Commission—Report for 1996-97.

Australian Wine and Brandy Corporation Act—Australian Wine and Brandy Corporation—Report for 1996-97.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—Reserve Bank of Australia—Report for 1996-97.

Family Law Act—Australian Institute of Family Studies—Report for 1996-97.

Fisheries Management Act—Queensland Fisheries Joint Authority—Report for 1996-97.

Health Insurance Commission Act—Health Insurance Commission—Report for 1996-97.

Immigration Review Tribunal—Report for 1996-97.

Industrial Chemicals (Notification and Assessment) Act—National Industrial Chemicals Notification and Assessment Scheme—Report for 1996-97.

Inspector-General of Intelligence and Security Act—Inspector-General of Intelligence and Security—Report for 1996-97.

National Occupational Health and Safety Commission Act—National Occupational Health and Safety Commission—Report for 1996-97.

National Film and Sound Archive—Review for 1996-97.

National Residue Survey Administration Act—National Residue Survey—Report for 1996-97.

Pig Industry Act—Australian Pork Corporation—Report for 1996-97.

Primary Industries and Energy Research and Development Act—Dairy Research and Development Corporation—Report for 1996-97.

Pig Research and Development Corporation—Report for 1996-97.

Rural Industries Research and Development Corporation—Report for 1996-97.

Public Service Act—

Australian Competition and Consumer Commission—Report for 1996-97.

Australian Hearing Services—Report for 1996-97.

Australian Industrial Relations Commission and the Australian Industrial Registry—Reports for 1996-97.

Department of Industrial Relations—Report, incorporating a report on the operation of Part V of the Workplace Relations Act, for 1996-97.

Royal Australian Mint—Report for 1996-97.

Remuneration Tribunal Act—Remuneration Tribunal—Report for 1996-97.

Telstra Corporation Act—Telstra—Report for 1996-97.

Wool International Act—Wool International—Report for 1996-97.

16 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian Maritime Safety Authority Act—Australian Maritime Safety Authority—Report for 1996-97.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—Reserve Bank of Australia—Report for 1996-97.

Family Law Act—Australian Institute of Family Studies—Report for 1996-97.

Public Service Act—

Australian Competition and Consumer Commission—Report for 1996-97.

Royal Australian Mint—Report for 1996-97.

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

17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—NURSING HOME CHARGES

The House was informed that Mr Lee had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The concern and insecurity amongst aged Australians caused by the Federal Government’s unfair changes to nursing home funding and in particular the imposition of the new daily fee on nursing home residents on 1 November”.

The proposed discussion having received the necessary support—

Mr Lee addressed the House.

Discussion ensued.

Discussion concluded.

18 ENVIRONMENT, RECREATION AND THE ARTS—STANDING COMMITTEE

The House was informed that the Chief National Party Whip had nominated Mr Causley to be a member of the Standing Committee on Environment, Recreation and the Arts in place of Mr Truss (Minister for Customs and Consumer Affairs).

19 SELECTION COMMITTEE

Mr Truss (Minister for Customs and Consumer Affairs), by leave, moved—That Mr M. A. J. Vaile (Minister for Transport and Regional Development) be discharged from attendance on the Selection Committee and that Mr Anthony be appointed a member of the committee.

Question—put and passed.

20 CUSTOMS TARIFF AMENDMENT BILL (NO. 5) 1997 [NO. 2]

Mr Truss (Minister for Customs and Consumer Affairs) presented a Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Bill read a first time.

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

Paper

Mr Truss presented an explanatory memorandum to the Bill.

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

21 EXCISE TARIFF AMENDMENT BILL (NO. 5) 1997

Mr Truss (Minister for Customs and Consumer Affairs) presented a Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Bill read a first time.

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

Paper

Mr Truss presented an explanatory memorandum to the Bill.

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

22 AIRPORTS LEGISLATION AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had resolved that further proceedings on the Bill be conducted in the House, and presented a certified copy of the Bill.

Ordered—That further proceedings on the Bill be made an order of the day for the next sitting.

23 ORDERS OF THE DAY RETURNED TO THE HOUSE

On the motion of Mr Truss (Minister for Customs and Consumer Affairs), Main Committee orders of the day Nos. 9 and 10, government business, to be returned to the House for further consideration and the resumption of each debate made an order of the day for a later hour this day.

24 MESSAGE FROM THE SENATE—BROADCASTING SERVICES AMENDMENT BILL (NO. 2) 1997

Message No. 344, dated 22 October 1997, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Broadcasting Services Act 1992*, and for other purposes.

Bill read a first time.

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

25 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Tuckey (Chairman) presented the following paper:

Public Works—Parliamentary Standing Committee—Report relating to the proposed extension of the National Film and Sound Archive, Acton, ACT (11th report of 1997).

Ordered to be printed.

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

26 FARM HOUSEHOLD SUPPORT AMENDMENT (RESTART AND EXCEPTIONAL CIRCUMSTANCES) 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.

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

Message from the Governor-General

Message No. 194, dated 17 October 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Anderson (Minister for Primary Industries and Energy), the Bill was read a third time.

27 CHILD CARE PAYMENTS 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—*And on the amendment moved thereto by Ms Macklin, 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) condemns the Government for its cuts of \$820 million to child care over two budgets, resulting in fee increases of up to \$20 per child per week, lower quality child care, the closure of services and job losses - changes that are forcing some people to stop working, take their children out of child care, or rely on back-yard care;
- (2) calls on the Government to reverse its unfair decisions to cap childcare assistance at 50 hours, and to limit emergency childcare assistance to 4 weeks in any 12 month period;
- (3) deplores the Government’s lack of consultation with the child care industry about implementation of the legislation and its failure to provide adequate information about regulations and guidelines to be made under the Act;
- (4) condemns the Government’s attempts to rush this legislation through and implement its far-reaching changes by 1 January 1998 thus causing chaos in the child care sector”—

Debate resumed.

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

28 HOUSE COMMITTEE

Mr Cadman (Parliamentary Secretary to the Minister for Workplace Relations and Small Business), by leave, moved—That Mr Somlyay (Minister for Regional Development, Territories and Local Government) be discharged from attendance on the House Committee, and that, in his place, Mr J. N. Andrew be appointed a member of the committee.

Question—put and passed.

29 PRIVILEGES COMMITTEE

Mr Cadman (Parliamentary Secretary to the Minister for Workplace Relations and Small Business), by leave, moved—That Mr Somlyay (Minister for Regional Development, Territories and Local Government) and Mrs Sullivan (Parliamentary Secretary to the Minister for Foreign Affairs) be discharged

from attendance on the Committee of Privileges, and that, in their places, Mr Jull and Mr Slipper be appointed members of the committee.

Question—put and passed.

30 PUBLIC ACCOUNTS—JOINT COMMITTEE

Mr Cadman (Parliamentary Secretary to the Minister for Workplace Relations and Small Business), by leave, moved—That Mr Somlyay (Minister for Regional Development, Territories and Local Government) be discharged from attendance on the Joint Committee of Public Accounts, and that, in his place, Mr Charles be appointed a member of the committee.

Question—put and passed.

31 CHILD CARE PAYMENTS 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—*And on the amendment moved thereto by Ms Macklin, 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) condemns the Government for its cuts of \$820 million to child care over two budgets, resulting in fee increases of up to \$20 per child per week, lower quality child care, the closure of services and job losses—changes that are forcing some people to stop working, take their children out of child care, or rely on back-yard care;
- (2) calls on the Government to reverse its unfair decisions to cap childcare assistance at 50 hours, and to limit emergency childcare assistance to 4 weeks in any 12 month period;
- (3) deplores the Government’s lack of consultation with the child care industry about implementation of the legislation and its failure to provide adequate information about regulations and guidelines to be made under the Act;
- (4) condemns the Government’s attempts to rush this legislation through and implement its far-reaching changes by 1 January 1998 thus causing chaos in the child care sector”—

Debate having been resumed by Ms Ellis—

32 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 8 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 22 October 1997:
Aboriginal and Torres Strait Islander Heritage Protection Act—Declaration
under section 9, 1 October 1997.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal
1997 No. 17.

Therapeutic Goods Act—Instrument under section 23AA, 13 October 1997.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton,
Mrs Gallus, Mrs Gash, Ms Hanson, Mr Howard, Mr Jones and Mr Katter.

I. C. HARRIS

Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 120

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 22 OCTOBER 1997

1 The Main Committee met at 10 a.m.

2 AIRPORTS LEGISLATION AMENDMENT 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.

Mr E. L. Grace moved—That further proceedings on the Bill be conducted in the House.

Question—put and passed.

3 TAXATION LAWS AMENDMENT (TRUST LOSS AND OTHER DEDUCTIONS) 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.

Paper

Mr G. J. Evans (Deputy Leader of the Opposition), by leave, presented the following paper:

Taxation Laws Amendment Bill 1995—Explanatory memorandum, page 171.

Mr G. J. Evans moved —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 its serious concern about the Government’s action in:

- (1) significantly delaying the introduction of this important legislation; and
- (2) significantly weakening Labor’s assault on trafficking in trust losses, in particular by quarantining family trusts from the operation of the legislation by allowing income injections by other family members to be used to offset trust losses”.

Debate continued.

Suspension of sitting

At 12.53 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 4.30 p.m., the proceedings were resumed.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put and not being resolved—Bill to be returned to the House.

4 FAMILY TRUST DISTRIBUTION TAX (PRIMARY LIABILITY) 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—

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.

5 FAMILY TRUST DISTRIBUTION TAX (SECONDARY LIABILITY) 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—

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.

6 MEDICARE LEVY CONSEQUENTIAL AMENDMENT (TRUST LOSS) 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—

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.

7 SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT 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.

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.

8 SNOWY HYDRO CORPORATISATION 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.

Mr S. F. Smith 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.

9 ADJOURNMENT

On the motion of Mr Anthony, the Main Committee adjourned at 7 p.m.

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

B. C. WRIGHT
Clerk of the Main Committee