

1996-97-98

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 157

TUESDAY, 12 MAY 1998

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

2 DEATHS AND INJURY ABOARD HMAS WESTRALIA

Mr Howard (Prime Minister), by indulgence, referred to the deaths and injury to naval personnel aboard HMAS *Westralia* as a result of an explosion and fire.

Mr Beazley (Leader of the Opposition), by indulgence, also referred to the matter.

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

3 DEATH OF FORMER SENATOR (MR D. B. VIGOR)

The Speaker informed the House of the death, on 9 April 1998, of Mr David Bernard Vigor, a Senator for the State of South Australia from 1984 to 1987.

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

4 QUESTIONS

Questions without notice were asked.

5 SUSPENSION OF STANDING AND SESSIONAL ORDERS—MOTION OF CENSURE OF THE GOVERNMENT

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House censures the Government for its failure to hold an independent inquiry into its conduct, and that of associated parties, in relation to waterfront issues, particularly in the light of the growing body of compelling evidence showing:

- (1) potentially illegal actions in contravention of the Workplace Relations Act, and the potential exposure of the Commonwealth, and all taxpayers, to substantial damages;

- (2) collusion between the Government and Patrick Stevedoring in, and Government foreknowledge of, a scheme to sack Patrick's workforce and replace it with an alternative workforce;
- (3) collusion between the Government and principals of Fynwest in, and Government foreknowledge of, a scheme to train an alternative workforce, including in Dubai;
- (4) Patrick's financial support for Fynwest Pty Ltd, despite Mr Chris Corrigan's sworn evidence to the contrary before the Australian Industrial Relations Commission;
- (5) Mr Corrigan's own acknowledgment, at a meeting with Fynwest principals on 31 January 1998, that the actions being contemplated by the parties were "partly illegal"; and
- (6) the findings of the High and Federal Courts that there is an arguable case that there has been a conspiracy to break the law.

Question—put and passed, with the concurrence of an absolute majority.

6 MOTION OF CENSURE OF THE GOVERNMENT

Mr Beazley (Leader of the Opposition) moved—That this House censures the Government for its failure to hold an independent inquiry into its conduct, and that of associated parties, in relation to waterfront issues, particularly in the light of the growing body of compelling evidence showing:

- (1) potentially illegal actions in contravention of the Workplace Relations Act, and the potential exposure of the Commonwealth, and all taxpayers, to substantial damages;
- (2) collusion between the Government and Patrick Stevedoring in, and Government foreknowledge of, a scheme to sack Patrick's workforce and replace it with an alternative workforce;
- (3) collusion between the Government and principals of Fynwest in, and Government foreknowledge of, a scheme to train an alternative workforce, including in Dubai;
- (4) Patrick's financial support for Fynwest Pty Ltd, despite Mr Chris Corrigan's sworn evidence to the contrary before the Australian Industrial Relations Commission;
- (5) Mr Corrigan's own acknowledgment, at a meeting with Fynwest principals on 31 January 1998, that the actions being contemplated by the parties were "partly illegal"; and
- (6) the findings of the High and Federal Courts that there is an arguable case that there has been a conspiracy to break the law.

Debate ensued.

Question—put.

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

AYES, 41

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

NOES, 90

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

* Tellers

And so it was negatived.

7 AUDITOR-GENERAL'S REPORTS—STATEMENTS BY MEMBERS

The Speaker presented the following papers:

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

No. 40—Performance audit—Purchase of hospital services from State Governments: Department of Veterans' Affairs.

No. 41—Financial control and administration audit—Asset management.

No. 42—Preliminary inquiries into the Natural Heritage Trust.

Severally ordered to be printed.

Mr Anderson (Minister for Primary Industries and Energy), by indulgence, making a statement in connection with audit report No. 42—

Closure of Member moved

Mr McLeay moved—That the Member be not further heard.

Question—put.

The House proceeding to a division—

Motion—That the Member be not further heard—withdrawn, by leave, and division not further proceeded with.

Mr Anderson, by indulgence, continued to make his statement.

Mr Kerr and Mr O’Keefe, by indulgence, also made statements in connection with audit report No. 42.

8 PAPER

The Speaker presented the following paper:

National Capital and External Territories—Joint Standing Committee—Report—A right to protest, May 1997—Presiding Officers’ further response.

9 PAPERS

The following papers were presented:

Administrative Appeals Tribunal Act—Administrative Review Council—Report for 1996-97—Errata.

Financial Institutions and Public Administration—House of Representatives Standing Committee—Cultivating competition: Inquiry into aspects of the National Competition Policy Reform Package, June 1997—Government response.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report—Those who’ve come across the seas: Detention of unauthorised arrivals.

Treaties—

Bilateral with national interest analyses—

Agreement between Australia and the Islamic Republic of Pakistan on the Promotion and Protection of Investments, done at Islamabad on 7 February 1998.

Exchange of Notes constituting an Agreement to further amend the Agreement between the Government of Australia and the Government of New Zealand on Social Security of 19 July 1994.

Films Co-Production Agreement between the Government of Australia and the Government of Ireland, done at Dublin on 4 February 1998.

Headquarters Agreement between the Government of Australia and the Commission for the Conservation of Southern Bluefin Tuna, done at Canberra on 20 January 1998.

Multilateral with national interest analyses—

Amendment, done at Montreal on 17 September 1997, to the Montreal Protocol on Substances that Deplete the Ozone Layer, of 16 September 1987.

Amendment and adoption of Annexes, done at Kuching, Malaysia, on 27 February 1998, to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989.

Fifth Protocol, done at Geneva on 12 December 1997, to the General Agreement on Trade in Services, of 15 April 1994.

10 HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION—REPORT ON DETENTION OF UNAUTHORISED ARRIVALS—MOTION TO TAKE NOTE OF PAPER

Mr M. A. J. Vaile (Minister for Transport and Regional Development) moved—
That the House take note of the following paper:

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report—Those who've come across the seas: Detention of unauthorised arrivals.

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

11 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WATERFRONT REFORM

The House was informed that Mr Tanner had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s approach to waterfront reform”.

The proposed discussion having received the necessary support—

Mr Tanner rising to address the House—

Mr M. A. J. Vaile (Minister for Transport and Regional Development) moved—
That the business of the day be called on.

Question—put and passed.

12 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

13 April 1998—Message No. 257—Criminal Code Amendment 1998.

16 April 1998—Message—

No. 258—Child Care Legislation Amendment 1998.

No. 259—

Productivity Commission 1998.

Productivity Commission (Repeals, Transitional and Consequential Amendments) 1998.

No. 260—

Taxation Laws Amendment (No. 1) 1998.

Taxation Laws Amendment (Trust Loss and Other Deductions) 1998.

17 April 1998—Message—

No. 261—

Indigenous Education (Supplementary Assistance) Amendment 1998.

International Monetary Agreements Amendment 1998.

Medicare Levy Amendment 1998.

Medicare Levy Consequential Amendment (Trust Loss) 1998.

National Residue Survey Administration Amendment 1998.

National Residue Survey (Customs) Levy 1998.

National Residue Survey (Excise) Levy 1998.

Therapeutic Goods Legislation Amendment 1998.

No. 262—

Ballast Water Research and Development Funding Levy 1998.

Charter of Budget Honesty 1998.

Commonwealth Places (Consequential Amendments) 1998.

Commonwealth Places (Mirror Taxes) 1998.

Commonwealth Places Windfall Tax (Collection) 1998.

Commonwealth Places Windfall Tax (Imposition) 1998.

No. 263—Aboriginal and Torres Strait Islander Commission Amendment 1998.

No. 264—Health Legislation Amendment 1998.

No. 265—Social Security Legislation Amendment (Youth Allowance) 1998.

22 April 1998—Message No. 266—

Insurance Laws Amendment 1998.

Trade Practices Amendment (Fair Trading) 1998.

24 April 1998—Message No. 267—Health Legislation Amendment (No. 2) 1998.

13 FAMILY AND COMMUNITY AFFAIRS—STANDING COMMITTEE

The House was informed that the Government Whip had nominated Mr Lloyd to be a member of the Standing Committee on Family and Community Affairs in place of Mr R. A. Cameron.

14 MAIN COMMITTEE—DAY OF NEXT MEETING

The Speaker reported that Wednesday, 13 May 1998, at 10 a.m., had been fixed for the next meeting of the Main Committee.

15 BILLS REFERRED TO MAIN COMMITTEE

Mr J. N. Andrew (Chief Government Whip), by leave, moved—That the following Bills be referred to the Main Committee for further consideration:

Australian Radiation Protection and Nuclear Safety 1998;

Australian Radiation Protection and Nuclear Safety (Consequential Amendments) 1998;

Australian Radiation Protection and Nuclear Safety (Licence Charges) 1998;
Australian Science, Technology and Engineering Council Repeal 1998;
Excise Tariff Amendment (No. 1) 1998;
Income Tax (Untainting Tax) 1998;
Interstate Road Transport Amendment 1998;
Interstate Road Transport Charge Amendment 1998;
National Measurement Amendment 1998;
National Road Transport Commission Amendment 1998;
Taxation Laws Amendment (Company Law Review) 1998; and
Veterans' Entitlements Amendment (Male Total Average Weekly Earnings Benchmark) 1998.
Question—put and passed.

16 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, 25 May 1998.

17 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER

Mr Taylor presented the following papers:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Funding Australia's defence—

Report, incorporating a dissenting report, April 1998.

Evidence received by the committee.

Minutes of proceedings.

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

Mr Taylor 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.

18 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED EXPENDITURE AND APPROPRIATION FOR YEAR 1998-99—APPROPRIATION BILL (NO. 1) 1998-99—BUDGET SPEECH

Message No. 268, 11 May 1998, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of proposed expenditure from the Consolidated Revenue Fund for the service of the year ending on 30 June 1999; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation be

made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the service of the year ending on 30 June 1999, and for related purposes.

Mr Costello (Treasurer) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the service of the year ending on 30 June 1999, and for related purposes.

Bill read a first time.

Mr Costello moved—That the Bill be now read a second time, and delivered the budget speech.

Debate adjourned (Mr Beazley—Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

19 PAPERS

Mr Costello (Treasurer) presented the following papers:

Budget strategy and outlook 1998-99 (Budget paper No. 1).

Budget measures 1998-99 (Budget paper No. 2).

Federal financial relations 1998-99 (Budget paper No. 3).

The Commonwealth public account 1998-99 (Budget paper No. 4).

Addressing priorities in indigenous affairs.

Maintaining our commitment to women.

Regional Australia: Our commitment.

Investing in our natural heritage: The Commonwealth's environment expenditure 1998-99.

Severally ordered to be printed.

20 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE AND APPROPRIATION FOR YEAR 1998-99—APPROPRIATION BILL (NO. 2) 1998-99

Message No. 269, 11 May 1998, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of certain proposed expenditure from the Consolidated Revenue Fund in respect of the year ending on 30 June 1999; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on 30 June 1999, and for related purposes.

Mr Fahey (Minister for Finance and Administration) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on 30 June 1999, and for related purposes.

Bill read a first time.

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

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

21 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE AND APPROPRIATION IN RELATION TO THE PARLIAMENTARY DEPARTMENTS FOR YEAR 1998-99—APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL 1998-99

Message No. 270, 11 May 1998, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of proposed expenditure from the Consolidated Revenue Fund in relation to the Parliamentary Departments in respect of the year ending on 30 June 1999; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to the Parliamentary Departments in respect of the year ending on 30 June 1999, and for related purposes.

Mr Fahey (Minister for Finance and Administration) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to the Parliamentary Departments in respect of the year ending on 30 June 1999, and for related purposes.

Bill read a first time.

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

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

22 ADJOURNMENT

Mr Fahey (Minister for Finance and Administration) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 8.05 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 12 May 1998:

Aged Care Act—Determination 1998 No. ACA 1.

Airports Act—Regulations—Statutory Rules 1998 No. 70.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals 1998 Nos. 6, 7, 8.

- Australian Communications Authority Act—Regulations—Statutory Rules 1998 No. 62.
- Child Care Legislation Amendment Act—Regulations—Statutory Rules 1998 No. 64.
- Christmas Island Act—Ordinance 1998 No. 2.
- Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Exemptions—1998 Nos. CASA 12, CASA 13, CASA 14, CASA 15, CASA 16. Instruments—1998 Nos. CASA 79, CASA 84, CASA 103, CASA 104. Part 105—Amendments 1998 13, 19(6), 23(6), 25(5), 27(2) March, 2(2), 3(2), 7(5), 8, 9(21) April. Part 106—Amendments 1998 19, 24(3) March, 3(2), 7, 9 April
- Cocos (Keeling) Islands Act—Ordinance 1998 No. 2.
- Commonwealth Authorities and Companies Act—Notice under section 45.
- Copyright Act—Declaration under section 10A, 20 April 1998.
- Crimes Act—Regulations—Statutory Rules 1998 No. 68.
- Customs Act—
Instruments of approval 1998 Nos. 1, 3, 4.
Regulations—Statutory Rules 1998 No. 58.
- Defence Act—
Determinations—1998—
Defence Force (Superannuation) (Productivity Benefit) Amendment (No. 2). Nos. 16, 17.
Regulations—Statutory Rules 1998 Nos. 60, 63.
- Export Control Act—Export Control (Orders) Regulations—Export Control Order 1998 No. 1.
- Export Inspection (Establishment Registration Charges) Act—Regulations—Statutory Rules 1998 No. 75.
- Family Law Act—Regulations—Statutory Rules 1998 No. 59.
- Financial Management and Accountability Act—
Determinations to establish components of the Reserved Money Fund, 7(4) April 1998.
Regulations—Statutory Rules 1998 No. 65.
- Fisheries Management Act—Direction No. NPF 20.
- Health Insurance Commission Act—Regulations—Statutory Rules 1998 No. 67.
- Higher Education Funding Act—Determinations—
1997 Nos. T29, T30, T31.
1998 Nos. T9, T10.
- Imported Food Control Act—Regulations—Statutory Rules 1998 No. 69.
- Insurance Acquisitions and Takeovers Act—Regulations—Statutory Rules 1998 No. 79.
- Insurance Act—Regulations—Statutory Rules 1998 No. 80.

- Insurance (Agents and Brokers) Act—Regulations—Statutory Rules 1998 No. 77.
- Insurance Contracts Act—Regulations—Statutory Rules 1998 No. 78.
- International Organisations (Privileges and Immunities) Act—Regulations—Statutory Rules 1998 No. 66.
- Judiciary Act—Rules of Court—Statutory Rules 1998 No. 61.
- Lands Acquisition Act—Statements (2) under section 40.
- Meat and Live-stock Industry Act—Orders 1998 Nos. M79, MQ72.
- Military Superannuation and Benefits Act—Instrument 1998 Nos. 1, 2.
- Murray-Darling Basin Act—Schedule to Murray-Darling Basin Agreement.
- National Health Act—
Declarations 1998 Nos. PB6, PB7.
Determinations 1998 Nos. HIG3, PB8.
Instrument 1998 No. HIG2.
Regulations—Statutory Rules 1998 No. 73.
- Primary Industries Levies and Charges Collection Act, Horticultural Levy Act and Horticultural Export Charge Act—Regulations—Statutory Rules 1998 No. 74.
- Proclamations by His Excellency the Governor-General fixing the dates on which the following provisions of Acts shall come into operation—
Child Care Legislation Amendment Act 1998—Provisions of the Act except sections 1, 2, 3 and 4 and items 16 and 17 of Schedule 1, 27 April 1998.
Insurance Laws Amendment Act 1998—Schedule 1, 30 April 1998.
Trans-Tasman Mutual Recognition Act 1997—Provisions of the Act except Part 1, 1 May 1998.
- Public Service Act—Determinations 1998 Nos. FAT 2, FAT 3, LES 14, LES 15, LES 16, LES 17, LES 18.
- Quarantine Act—Determinations 1998 No. 1.
- Remuneration Tribunal Act—Remuneration Tribunal—Determination 1998 No. 12.
- Retirement Savings Accounts Act—Regulations—Statutory Rules 1998 No. 82.
- Sales Tax Assessment Act—
Determination 1998 No. STD 1.
Ruling No. SST 9.
- Student and Youth Assistance Act—Regulations—Statutory Rules 1998 No. 71.
- Superannuation Industry (Supervision) Act—Regulations—Statutory Rules 1998 Nos. 76, 81, 83.
- Superannuation (Resolution of Complaints) Act—Regulations—Statutory Rules 1998 No. 84.
- Taxation Administration Act—
Determinations 1998 Nos. TD 98/5, TD 98/6, TD 98/7.
Rulings Nos. TR 94/26 (Addendum), TR 98/5.

Telecommunications Act—
Determinations—1998—
Telecommunications (Due Date for Annual Charge).
Telecommunications (Late Payment of Annual Charge).
Regulations—Statutory Rules 1998 No. 72.
Telecommunications (Numbering Charges) Act—Determinations—1998—
Telecommunications (Amount of Annual Charge).
Telecommunications (Exemption from Annual Charge).
Therapeutic Goods Act—
Determination under section 19A, 20 March 1998.
Therapeutic Goods Order No. 61.
Veterans' Entitlements Act—
Instruments 1998 Nos. 3, 5.
Instruments under section 196B 1998 Nos. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
35, 36.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Bradford and Mr E. L. Grace.

I. C. HARRIS
Clerk of the House of Representatives