

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 78

WEDNESDAY, 8 JUNE 1994

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

2 BANKING (STATE BANK OF SOUTH AUSTRALIA AND OTHER MATTERS) BILL 1994

The order of the day having been read for the second reading—Mr Elliott (Parliamentary Secretary to the Treasurer) moved—That the Bill be now read a second time.

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Elliott, the Bill was read a third time.

3 LAW AND JUSTICE LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan, the Bill was read a third time.

4 BOUNTY (FUEL ETHANOL) BILL 1994

The order of the day having been read for the second reading—Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved—That the Bill be now read a second time.

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Lindsay, the Bill was read a third time.

5 POSTPONEMENT OF NOTICES

Ordered—That notices Nos. 1 and 2, government business, be postponed until a later hour this day.

6 HEALTH LEGISLATION (POWERS OF INVESTIGATION) AMENDMENT BILL 1994

The order of the day having been read for the second reading—Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health) moved—That the Bill be now read a second time.

Debate ensued.

It being 3 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.

7 QUESTIONS

Questions without notice being asked—

Paper: Mr Rocher, by leave, presented the following paper:

Department of Industrial Relations—Human Resource Management Policy Guide, March 1994—Staff relations: Union participation and membership.

Questions without notice continued.

8 PRIVILEGE—COMPLAINT OF BREACH

Mr Katter raised, as a matter of privilege, the service of writs for defamation against certain persons who had been involved in an affidavit read to the House by Mr Katter. Mr Katter stated that he saw the service of the writs as an interference with the performance of his work as a Member of Parliament.

The Speaker stated that he would consider the matter.

9 PAPERS

The following papers were presented:

Australian International Development Assistance Bureau—Report—1993 environment audit of the Australian International Development Cooperation Program, 1994.

Australian Parliamentary Delegation to Bougainville, 18-22 April 1994—Report—Bougainville: A Pacific solution—Government response, 8 June 1994.

Better Cities Program—Report on progress 1992-93.

Employment, Education and Training Act—National Board of Employment, Education and Training—Higher Education Council—8th report, including the Board's comments, on the operation of section 14 of the *Higher Education Funding Act 1988* and the Higher Education Contribution Scheme.

Nursing home and hostel standards—List of monitoring statements published between 1 January and 31 March 1994.

10 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian International Development Assistance Bureau—Report—1993 environment audit of the Australian International Development Cooperation Program, 1994.

Australian Parliamentary Delegation to Bougainville, 18-22 April 1994—Report—Bougainville: A Pacific solution—Government response, 8 June 1994.

Employment, Education and Training Act—National Board of Employment, Education and Training—Higher Education Council—8th report, including the Board's comments, on the operation of section 14 of the *Higher Education Funding Act 1988* and the Higher Education Contribution Scheme.

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

11 MESSAGES FROM THE SENATE

Messages from the Senate, dated 8 June 1994, were reported returning the following Bills without amendment:

Message—

No. 282—Agricultural and Veterinary Chemical Products (Collection of Interim Levy) 1994.

No. 283—Agricultural and Veterinary Chemical Products (Collection of Levy) Amendment 1994.

No. 284—Agricultural and Veterinary Chemicals (Administration) Amendment 1994.

No. 285—Agricultural and Veterinary Chemical Products Interim Levy Imposition (Excise) 1994 (*without requests*).

No. 286—Agricultural and Veterinary Chemical Products Interim Levy Imposition (Customs) 1994 (*without requests*).

No. 287—Agricultural and Veterinary Chemical Products Interim Levy Imposition (General) 1994 (*without requests*).

12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS POLICY

The House was informed that Mr Howard had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The shambolic conduct of industrial relations policy by the Minister for Industrial Relations".

The proposed discussion having received the necessary support—

Mr Howard addressed the House.

Discussion ensued.

Discussion concluded.

13 SUPERANNUATION LEGISLATION AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Superannuation Legislation Amendment Bill 1994 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), by leave, the Bill was read a third time.

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

Mr Hollis (Chairman) presented the following report:

Public Works—Parliamentary Standing Committee—Report relating to the further development of HMAS *Stirling*, Garden Island, WA (4th report of 1994).

Ordered to be printed.

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

15 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Sinclair, by leave, presented the following report:

Australian Parliamentary Delegation to Bougainville, 18-22 April 1994—Bougainville: A Pacific solution—Report.

Mr Sinclair and Mr Knott, by leave, made statements in connection with the report.

Mr Free (Minister for Schools, Vocational Education and Training) moved—That the House take note of the paper.

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

16 MESSAGE FROM THE SENATE—MOOMBA-SYDNEY PIPELINE SYSTEM SALE BILL 1994

The following message from the Senate was reported:

Message No. 281

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to the sale of the Moomba-Sydney pipeline system, and for related 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.

MICHAEL BEAHAN
President

The Senate

Canberra, 7 June 1994

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 32, page 14, subclause (4), line 7, omit “, after the sale day but before 15 October 1994,”.

No. 2—Clause 66, page 30, at end of clause add the following subclause:

“(3) A reference in this Part to engaging in conduct includes a reference to failing or refusing to do an act or thing.”.

No. 3—Clause 73, page 35, subclause (2), lines 13 and 14, omit the subclause.

No. 4—Clause 80, page 38, paragraphs (3)(a) and (b), lines 1 to 14, omit the paragraphs, substitute the following paragraphs:

“(a) the contractor’s right to require the Moomba operator to supply haulage services sufficient to enable AGL to exercise AGL’s Schedule entitlements; or

- (b) the contractor's right to require the Moomba operator to supply haulage services that are sufficient to enable the contractor to exercise or fulfil the contractor's Schedule rights or obligations; or
- (ba) the contractor's right to require the Moomba operator to supply haulage services that are sufficient to enable the contractor to meet its obligations to supply the actual gas requirements of its customers under negotiated contracts entered into before notice of the dispute was given to the TPC under subsection 75(1) or (6); or".

No. 5—Clause 80, page 38, after subclause (3) insert the following subclause:

"(3A) The TPC must not make a determination that would deprive a capacity increaser of the right to require the Moomba operator to supply haulage services, up to the amount of the increase in capacity, that are sufficient to enable the increaser to meet:

- (a) the increaser's own actual gas haulage requirements; and
- (b) the increaser's obligations to supply the actual gas requirements of the increaser's customers under contracts entered into before notice of the dispute was given to the TPC under subsection 75(1) or (6)."

No. 6—Clause 80, page 38, paragraph (6)(b), line 37, omit the paragraph, substitute the following paragraph:

"(b) the public benefit including the benefit in having competitive markets;"

No. 7—Clause 80, page 39, after subclause (6) insert the following subclause:

"(6A) Any amendment to the supply agreement on or after the sale day does not affect the operation of this section."

No. 8—Clause 80, page 39, subclause (8) insert the following definitions in alphabetical order:

"**'capacity increaser'** means a person (other than the Moomba operator) who has borne or is bearing the cost of increasing the capacity of the Moomba pipeline;

"**'Schedule entitlements'** means any rights under the supply agreement to acquire gas up to the volumes worked out using Schedules A and C to the supply agreement in accordance with the agreement;

"**'Schedule rights or obligations'** means any rights or obligations under the supply agreement to supply gas up to the volumes worked out using Schedules A and C to the supply agreement in accordance with the agreement;

"**'supply agreement'** means the agreement made between Alliance Petroleum Australia No Liability, Basin Oil No Liability, Bridge Oil No Liability, Delhi International Oil Corporation, Pursuit Oil No Liability, Reef Oil No Liability, Santos Limited, Total Exploration Australia Proprietary Limited, Vamgas No Liability and The Australian Gas Light Company on 26 May 1971 as in force immediately before the sale day;"

No. 9—Clause 114, page 49, subclause (1), line 25, after "73" insert "or 135A".

No. 10—After clause 135, page 56 insert the following clause:

Certain information to be supplied to the TPC

“135A. If a Moomba operator decreases the amount of haulage services provided under a determination to a party to the determination because those services are actually required by a person whose rights are covered by subsection 80(3) or (3A), the Moomba operator must give the TPC and each party to the determination a written notice informing the TPC and each party of the details of the circumstances giving rise to the decrease in the provision of haulage services. The notice must be given within 7 days of the time when the decrease happens.”.

No. 11—Clause 159, page 63, proposed subsection 28(4), before definition of “sale day” insert the following definition:

“ ‘Sale Act’ means the *Moomba-Sydney Pipeline System Sale Act 1994*.”.

Note: If amendment No. 9 is made to the *Moomba-Sydney Pipeline System Sale Bill 1994*, the heading to clause 114 should be omitted and the following heading substituted:

“**Enforcement of sections 73 and 135A and subsection 129(1)**”.

Mr Free (Minister for Schools, Vocational Education and Training) moved—That the amendments be agreed to.

Paper: Mr Free presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

Question—put and passed.

17 PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training) presented a Bill for an Act to amend the *Primary Industries Levies and Charges Collection Act 1991*, and for related purposes.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

18 HORTICULTURAL LEVY AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training) presented a Bill for an Act to amend the *Horticultural Levy Act 1987*.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

19 HORTICULTURAL EXPORT CHARGE AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training) presented a Bill for an Act to amend the *Horticultural Export Charge Act 1987*, and for related purposes.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

20 GRAIN LEGUMES LEVY AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training) presented a Bill for an Act to amend the *Grain Legumes Levy Act 1985*.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

21 OILSEEDS LEVY AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training) presented a Bill for an Act to amend the *Oilseeds Levy Act 1977*.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

22 COARSE GRAINS LEVY AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training) presented a Bill for an Act to amend the *Coarse Grains Levy Act 1992*.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

23 ENVIRONMENT, SPORT AND TERRITORIES LEGISLATION AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training), for Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), pursuant to notice, presented a Bill for an Act to amend legislation relating to the environment, sport and Territories, and for related purposes.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

24 VOCATIONAL EDUCATION AND TRAINING FUNDING AMENDMENT BILL 1994

Mr Free (Minister for Schools, Vocational Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Vocational Education and Training Funding Act 1992*, and for related purposes.

Bill read a first time.

Paper: Mr Free presented an explanatory memorandum to the Bill.

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

25 HEALTH LEGISLATION (POWERS OF INVESTIGATION) AMENDMENT BILL 1994

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 third reading to be moved forthwith.

On the motion of Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health), the Bill was read a third time.

26 PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development) moved—That the Bill be now read a second time.

Paper: Ms Crawford presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Johns (Special Minister of State), by leave, the following amendments were made together:

Amendments—

Clause 2—

Page 2, line 9, after subclause (4) insert the following subclause:

“(4A) The amendments of the *Law and Justice Legislation Amendment Act 1994* made by the Schedule commence, or are taken to have commenced, immediately after the commencement of section 91 of that Act.”

Page 2, at the end of the clause add the following subclause:

“(6) The amendment of the *Offshore Minerals Act 1994* made by the Schedule is taken to have commenced on 25 February 1994.”

Clause 9—

Page 6, line 27, omit “, require the person”, substitute “or to an agent of such a person, require the person to whom the notice is given”.

Page 6, line 33, after “State”, insert “or Territory”.

New clause—

Page 8, after clause 11 add the following new clause:

Application of amendments of the Law and Justice Legislation Amendment Act

“12. The amendments of the *Law and Justice Legislation Amendment Act 1994* made by the Schedule:

- (a) do not affect any distribution of a dividend on or before the day on which this Act receives the Royal Assent; and

- (b) do not make the trustee liable for any act or omission of the trustee that occurred on or before the day on which this Act receives the Royal Assent.”.

Amendments—

Schedule—

Page 9, after the amendments of the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994* insert the following:

“Law and Justice Legislation Amendment Act 1994

Subsection 91(1):

Omit ‘The amendments’, substitute ‘Subject to this section, the amendments’.

Subsection 91(2):

Omit the subsection, substitute:

‘(2) So far as the amendments made by section 90 relate to RAS payments, the amendments apply in relation to:

- (a) RAS payments paid after 28 April 1994, regardless of the date of the bankruptcy; and
(b) RAS payments paid on or before 28 April 1994, if the bankruptcy occurred as a result of a creditor’s petition or debtor’s petition presented after 28 April 1994.

For the purposes of this subsection, “RAS payments” means amounts described in paragraph (2)(k), (m), (ma), (mb), (mc) or (md) of the Principal Act as amended by this Act.’”.

Page 10, at the end of the Schedule add the following:

“Offshore Minerals Act 1994

Schedule 1, paragraphs 7(3)(c) and (d):

Omit ‘75%’, substitute ‘25%’.”.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Johns, the Bill was read a third time.

27 AUSTRALIAN CAPITAL TERRITORY GOVERNMENT SERVICE (CONSEQUENTIAL PROVISIONS) BILL 1994

The order of the day having been read for the second reading—Mr Johns (Minister Assisting the Prime Minister for Public Service Matters) moved—That the Bill be now read a second time.

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Johns, the Bill was read a third time.

28 MESSAGE FROM THE SENATE

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

8 June 1994—Message No. 288—Taxation Laws Amendment Bill (No. 2) 1994.

29 ADJOURNMENT

Mr Johns (Special Minister of State) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 8.07 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 8 June 1994:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal 1994 No. 13.

Defence Act—Determinations under section 58B 1994 Nos. 20, 22, 23.

Defence Force (Home Loans Assistance) Act—Declaration under section 3C, 6 June 1994.

Public Service Act—Determinations 1994 Nos. 132, 135, 136.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton, Mr Crean, Mr Gear, Dr Hewson, Mr Howe, Mr Keating, Dr Lawrence, Mr Lee, Mr Punch, Mr Tickner, Mr Walker and Mr Willis.

L. M. BARLIN

Clerk of the House of Representatives

1993-94

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 78

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 8 JUNE 1994

1 The Main Committee met at 10 a.m.

2 MAIN COMMITTEE—PRACTICE AND PROCEDURE—STATEMENT BY DEPUTY SPEAKER

The Deputy Speaker made a statement informing the Committee that the practice and procedure observed in the Chamber would apply in the Main Committee unless standing orders specifically provided otherwise and outlined certain arrangements for the operation of the Committee.

3 SUPERANNUATION LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Beazley (Minister for Finance) moved—That the Bill be now read a second time.

Debate ensued.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Lavarch (Attorney-General), Bill to be reported to the House without amendment.

4 CORPORATIONS LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Lavarch (Attorney-General) moved—That the Bill be now read a second time.

Paper: Mr Lavarch presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

Mr Duffy 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.

5 ADJOURNMENT

On the motion of Mr Lavarch (Attorney-General) the Main Committee adjourned at 1 p.m.

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



I. C. HARRIS

Clerk of the Main Committee