

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 133

THURSDAY, 30 MARCH 1995

1 The House met, at 9.30 a.m., pursuant to adjournment. The Acting Speaker (Mr Jenkins) took the Chair, and read Prayers.

2 PRIVILEGE—STATEMENT BY ACTING SPEAKER

The Acting Speaker referred to the matter of privilege raised on 29 March 1995 by Mr Reith concerning comments reportedly made by Mr Keating (Prime Minister) in respect of the Speaker and the Deputy Speaker.

The Acting Speaker advised the House that he did not believe anything improper had occurred or that there was evidence of an attempt to intimidate either the Speaker or himself. The Acting Speaker stated that he did not believe that there was *prima facie* evidence of a breach of privilege or contempt and that he was not willing to allow precedence to a motion on the matter.

Mr Reith addressed himself to the matter.

3 UNAUTHORISED DISCLOSURE OF A PERSON'S TAX FILE NUMBER

Mr Willis (Treasurer), pursuant to notice, moved—That the House:

(1) notes that—

- (a) the *Taxation Administration Act 1953* makes it an offence punishable by 2 years imprisonment or a fine of up to \$10 000 or both, for the unauthorised disclosure of a person's tax file number;
- (b) Senator Baume during the adjournment debate in the other place on 23 March 1995 tabled documents concerning the taxation affairs of Dr Peter Macdonald, which documents also contained his tax file number;
- (c) Senator Baume's only purpose in tabling these documents was to impugn the integrity of Dr Macdonald before the New South Wales State election in which Dr Macdonald was an independent candidate;
- (d) Senator Baume, in seeking the leave of the duty Minister and the Senate to table the documents in question, did not draw attention to the tax file number identified therein, publication of which otherwise than under cover of parliamentary privilege would be a criminal offence; and

- (e) the New South Wales Premier, Mr Fahey, has publicly stated that he had been aware of Dr Macdonald's taxation problem, understood the circumstances of it and had undertaken to Dr Macdonald not to raise the issue publicly;
- (2) condemns Senator Baume for his—
 - (a) commission of an act, the disclosure of Dr Macdonald's tax file number, which would have been a crime if done outside the Parliament; and
 - (b) blatant indefensible disregard, for reasons of political advantage rather than any larger public interest, of the privacy of an individual; and
- (3) calls upon Senator Baume to apologise for his behaviour to (a) Dr Macdonald and (b) the Parliament.

Papers: Mr Willis, by leave, presented the following papers:

Use of tax file number information by Senator Baume—Copies of minutes from Mr P. E. Simpson as—

Acting Commissioner, Australian Taxation Office, to Mr Willis, 24 March 1995, with attachment.

Second Commissioner, Australian Taxation Office, to Mr Gear (Assistant Treasurer), 28 March 1995.

Debate ensued.

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

Income tax returns of Dr Peter MacDonald—Clarification of review conducted of 1984-89 returns—Copy of letter from D. J. Cortese, Deputy Commissioner, Australian Taxation Office, to Dr MacDonald, Hanson Ross and Associates, 28 November 1994.

Debate continued.

Mr Latham 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 a later hour this day.

4 RETURN TO WRIT—CANBERRA DIVISION

The Acting Speaker announced that he had received a return to the writ which the Speaker had issued on 17 February 1995 for the election of a Member to serve for the electoral division of Canberra, in the Australian Capital Territory, to fill the vacancy caused by the resignation of the Honourable Roslyn Joan Kelly and that, by the endorsement on the writ, it was certified that Brendan Michael Smyth had been elected.

5 OATH OF ALLEGIANCE BY MEMBER

Brendan Michael Smyth was introduced, and made and subscribed the oath of allegiance required by law.

6 PRIVILEGE—STATEMENT BY MEMBER

Mr Simmons (Chair of the Standing Committee on Banking, Finance and Public Administration) made a statement in connection with the matter of privilege he raised on 27 March 1995 relating to the premature disclosure of details of the committee's report on the tax treatment of the tourism industry. Mr Simmons informed the House that the committee had determined that substantial interference with its work had not occurred.

7 UNAUTHORISED DISCLOSURE OF A PERSON'S TAX FILE NUMBER

The order of the day having been read for the resumption of the debate on the motion of Mr Willis (Treasurer) relating to the unauthorised disclosure of a person's tax file number (*see* entry No. 3)—

Debate resumed.

Question—put.

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

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Mr Adams	Mr Duncan	Mr Johns	Mr Price
Mr Baldwin	Mrs Easson	Mr Jones	Mr Punch
Mr Beazley	Mr Elliott	Mr Kerr	Mr Quick
Mr Beddall	Mr M. J. Evans	Mr Knott	Mr Sciacca
Mr Bevis	Ms Fatin	Mr Langmore	Mr L. J. Scott
Mr Bilney	Mr Ferguson	Mr Latham	Mr Simmons
Mr Brown	Mr Fitzgibbon	Mr Lavarch	Mrs S. J. Smith
Mr Campbell	Mr Free	Dr Lawrence	Mr S. F. Smith
Mr Chynoweth	Mr Gear	Mr Lee	Mr Snow
Mr Cleary	Mr Gibson	Mr Lindsay	Mr Snowdon
Mr Cleeland	Mr Grace*	Ms McHugh	Mr Staples
Ms Crawford	Mr Griffin	Mr Mack	Mr Swan
Mr Crean	Mr Haviland	Mr Melham	Mr Tanner
Mrs Crosio	Ms Henzell	Mr A. A. Morris	Dr Theophanous
Mr Cunningham	Mr Hollis	Mr P. F. Morris	Mr Tickner
Ms Deahm	Mr Horne*	Mr Newell	Mr Walker
Mr Dodd	Mr Howe	Mr O'Connor	Mr Willis
Mr Duffy	Mr Humphreys	Mr O'Keefe	Mr Woods

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Mr Abbott	Mr R. D. C. Evans	Mr McArthur	Mr Sharp
Mr Aldred	Mr Fischer	Mr McGauran	Mr Sinclair
Mr Anderson	Mr Forrest	Mr McLachlan	Mr Slipper
Mr J. N. Andrew	Mrs Gallus	Mr Miles	Mr B. M. Smyth
Mr Atkinson	Mr Georgiou	Mr Moore	Mrs Sullivan
Mr Beale	Mr Hall	Mrs Moylan	Mr Taylor
Mrs Bishop	Mr Halverson	Mr Neville	Mr Truss
Mr Braithwaite	Mr Hawker*	Mr Nugent	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Vaile
Mr Cameron	Mr Howard	Mr Pyne	Mr Wakelin
Mr Charles	Mr Jull	Mr Reid	Mr Williams
Mr Cobb	Mr Katter	Mr Reith	Dr Wooldridge
Mr Connolly	Dr Kemp	Mr Ronaldson	Ms Worth
Mr Costello	Mr Lieberman	Mr Ruddock	
Mr Downer	Mr Lloyd	Mr B. C. Scott	

* Tellers

And so it was resolved in the affirmative.

8 POSTPONEMENT OF BUSINESS

Ordered—That business intervening before notice No. 9, government business, be postponed until a later hour this day.

9 SUSPENSION OF STANDING ORDERS 48A AND 103

Mr Beazley (Leader of the House), pursuant to notice, moved—That standing order 48A (adjournment and next meeting) and standing order 103 (new business) be suspended for this sitting.

Question—put and passed.

10 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—MAINTENANCE DREDGING OF KEDRON BROOK FLOODWAY, BRISBANE

Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Maintenance dredging of Kedron Brook floodway, Brisbane.

Papers: Mr Walker presented plans in connection with the proposed work.

Question—put and passed.

11 REFURBISHMENT OF SCARBOROUGH HOUSE AND CONSTRUCTION OF COMMONWEALTH OFFICES, PHILLIP, ACT—APPROVAL OF WORK

Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Refurbishment of Scarborough House and construction of Commonwealth offices, Phillip, ACT.

Question—put and passed.

12 PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr L. J. Scott (Chairman) presented the following report:

Public Accounts—Joint Committee—Report 335—Finance minutes tabled in 1994.

Ordered to be printed.

Mr L. J. Scott, by leave, made a statement in connection with the report.

13 TAXATION LAWS AMENDMENT BILL (NO. 2) 1995

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

Paper: Mr O'Keefe presented an explanatory memorandum to the Bill.

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

14 NATIONAL HEALTH AMENDMENT BILL 1995

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.

Dr Wooldridge 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, this House:

- (1) notes that the Pharmacy Agreement to take effect from 1 April 1995, which is the subject of this Bill, is still being negotiated by the Government;
- (2) notes that this is far from being the only instance of the Government legislating in anticipation of a set of circumstances which are still to be resolved; and

- (3) condemns the Government for its continual treatment of the Parliament as a rubber stamp of executive action”.

Debate continued.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Dr Theophanous, the Bill was read a third time.

15 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL (NO. 2) 1994

The order of the day having been read for the second reading—Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs) moved—That the Bill be now read a second time.

Debate ensued.

Mr McGauran addressing the House—

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.

16 QUESTIONS

Questions without notice being asked—

Paper: Mr Free (Minister for Schools, Vocational Education and Training) presented the following paper:

ANTA growth funds—Cancellation—Maintenance of effort—Copy of minute from Mr Peter J. Boxall, Under Treasurer, to the South Australian Treasurer, 22 February 1995.

Questions without notice continued.

Paper: Mr Keating (Prime Minister) presented the following paper:

Senator Baume—Relocation of electorate office—Copy of letter from Mr Howard, Leader of the Opposition, to Mr Graham Semmens, General Manager, Ministerial and Parliamentary Services Branch, Department of Administrative Services, 20 February 1995.

Questions without notice continued.

17 PAPERS

The following papers were presented:

Administrative Review Council—Report No. 38—Government business enterprises and Commonwealth administrative law.

Advance to the Minister for Finance—

Statements for November and December 1994 and January 1995.

Supporting applications of issues from the Advances during November and December 1994 and January 1995.

Australia-China Council—Report for 1993-94.

Australia's standards and conformance infrastructure: Linking industry globally—Committee of inquiry— Report, March 1995.

Commonwealth Electoral Act—Redistribution of electoral divisions, 1994—
Queensland—Volumes 1 and 2.

Victoria—Volumes 1 and 2.

Department of Finance—

Financial statements of departments—

Guidelines for reporting periods ending on and after 30 June 1995.

Reader's guide, March 1995.

Performance pay and ratings in the Australian Public Service—Report for 1993-94.

Environment, Recreation and the Arts—Standing Committee—Report—
Working with the environment: Opportunities for job growth, 14 November 1994—Interim government response.

National Road Trauma Advisory Council—Report for period 1 January 1993 to 30 June 1994.

18 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Administrative Review Council—Report No. 38—Government business enterprises and Commonwealth administrative law.

Advance to the Minister for Finance—

Statements for November and December 1994 and January 1995.

Supporting applications of issues from the Advances during November and December 1994 and January 1995.

Australia-China Council—Report for 1993-94.

Australia's standards and conformance infrastructure: Linking industry globally—Committee of inquiry—Report, March 1995.

Commonwealth Electoral Act—Redistribution of electoral divisions, 1994—
Queensland—Volumes 1 and 2.

Victoria—Volumes 1 and 2.

Department of Finance—

Financial statements of departments—

Guidelines for reporting periods ending on and after 30 June 1995.

Reader's guide, March 1995.

Performance pay and ratings in the Australian Public Service—Report for 1993-94.

Environment, Recreation and the Arts—Standing Committee—Report—
Working with the environment: Opportunities for job growth, 14 November 1994—Interim government response.

National Road Trauma Advisory Council—Report for period 1 January 1993 to 30 June 1994.

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

19 PAPER

Mr Walker (Minister for Administrative Services) presented the following paper:

Queensland electoral redistribution process—Letter from T. R. Morling, Chairperson, Australian Electoral Commission, to Mr Walker, 29 March 1995.

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—CURRENT ACCOUNT PROBLEMS

The House was informed that Mr Howard (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Prime Minister to deal with the disastrous current account problems after years of claiming he had the solutions in place and that the worst was over”.

The proposed discussion having received the necessary support—

Mr Howard addressed the House.

Discussion ensued.

Discussion concluded.

21 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

29 March 1995—Message No. 251—

Land Fund and Indigenous Land Corporation (ATSIC Amendment) 1995.

Anzac Day 1995.

Income Tax (International Agreements) Amendment 1995.

Parliamentary Contributory Superannuation Legislation Amendment 1995.

22 MEMBERS' INTERESTS COMMITTEE—PAPER

Mr Grace (Chair) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 37th Parliament—Notifications of alterations of interests received during the period 8 December 1994 to 29 March 1995.

23 PUBLICATIONS COMMITTEE—22ND REPORT

Mr Horne (Chair) presented the following report:

PUBLICATIONS COMMITTEE 22ND REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered petitions and documents presented to the Parliament since 7 March 1995, recommends that the following be printed:

Audit Act—Auditor-General—Audit report No. 20 of 1994-95—Report on the audit of the Australian Wheat Board 1993-94.

Australian Land Transport Development Act—Australian Land Transport Development Program—Progress report for 1993-94.

Fisheries Act—Western Australian Fisheries Joint Authority—Report for 1993.

Law Reform Commission Act—Law Reform Commission—Report No. 72—

The coming of age: New aged care legislation for the Commonwealth.

Social justice for indigenous Australians 1994-95.
War Crimes Act—Report for 1993-94.

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Chair

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Mr Horne, by leave, moved—That the report be agreed to.

Question—put and passed.

24 CIVIL AVIATION LEGISLATION AMENDMENT BILL 1995

Mr Elliott (Parliamentary Secretary to the Treasurer), for Mr O'Keefe (Parliamentary Secretary to the Minister for Transport), pursuant to notice, presented a Bill for an Act to amend the law relating to aviation.

Bill read a first time.

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

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

25 AIR SERVICES BILL 1995

Mr Elliott (Parliamentary Secretary to the Treasurer), for Mr O'Keefe (Parliamentary Secretary to the Minister for Transport), pursuant to notice, presented a Bill for an Act to establish a body called Airservices Australia, with functions relating to aviation, and for related purposes.

Bill read a first time.

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

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

26 SEX DISCRIMINATION AMENDMENT BILL 1995

Mr Elliott (Parliamentary Secretary to the Treasurer), for Mr Lavarch (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Sex Discrimination Act 1984*.

Bill read a first time.

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

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

27 SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 1) 1995

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend legislation relating to social security, and for related purposes.

Bill read a first time.

Paper: Mrs Crosio presented an explanatory memorandum to the Bill.

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

28 MIGRATION LEGISLATION AMENDMENT BILL (NO. 5) 1995

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the law relating to migration.

Bill read a first time.

Paper: Mrs Crosio presented an explanatory memorandum to the Bill.

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

29 CUSTOMS TARIFF PROPOSAL

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved Customs Tariff Proposal No. 3 (1995).

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

30 POSTPONEMENT OF NOTICE

Ordered—That notice No. 10, government business, be postponed until a later hour this day.

31 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL (NO. 2) 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 Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), the Bill was read a third time.

32 REFERENCE OF REPORTS TO STANDING COMMITTEES

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport), for Mr Beazley (Leader of the House), pursuant to notice, moved—That Auditor-General's audit report No. 9 of 1994-95—Project audit—Is Australia ready to respond to a major oil spill?: Australian Maritime Safety Authority be referred to the Standing Committee on Transport, Communications and Infrastructure, and audit report No. 24 of 1994-95—Follow-up audit—Northern Land Council be referred to the Standing Committee on Aboriginal and Torres Strait Islander Affairs.

Question—put and passed.

33 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE

The House was informed that the Chief Opposition Whip had nominated Mr B. M. Smyth to be a member of the Joint Standing Committee on the National Capital and External Territories in place of Mr Cameron.

34 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

29 March 1995—Message No. 252—

Tobacco Advertising Prohibition Amendment 1995.

International War Crimes Tribunals 1995.

1993-94-95

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 133

MAIN COMMITTEE

MINUTES OF PROCEEDINGS
THURSDAY, 30 MARCH 1995

- 1 The Main Committee met at 10 a.m.

Suspension of sitting: At 10.01 a.m., the Deputy Speaker left the Chair due to the lack of a quorum.

Resumption of sitting: At 10.06 a.m., the Deputy Speaker resumed the Chair, and a quorum being present—

- 2 **BANKING, FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT ON THE IMPACT OF AUSTRALIA'S TAXATION REGIME ON THE TOURISM INDUSTRY—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Simmons—That the House take note of the paper (*presented on 27 March 1995*), viz.:

Banking, Finance and Public Administration—Standing Committee—Taxing relaxing: Report on the inquiry into the impact of Australia's taxation regime on the tourism industry, 9 March 1995—

Debate resumed.

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

- 3 **NATIVE TITLE—PARLIAMENTARY JOINT COMMITTEE—REPORT ON THE NATIONAL NATIVE TITLE TRIBUNAL ANNUAL REPORT 1993-94—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Quick—That the House take note of the paper (*presented on 27 March 1995*), viz.:

Native Title—Parliamentary Joint Committee—Second report—The National Native Title Tribunal annual report 1993-94, March 1995—

Debate resumed.

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

4 ADJOURNMENT

On the motion of Dr Theophanous (Parliamentary Secretary to the Prime Minister), the Main Committee adjourned at 10.44 a.m.

The Chair reported that the Deputy Speaker had fixed Wednesday, 10 May 1995, at 10 a.m., for the next meeting of the Main Committee.

I. C. HARRIS
Clerk of the Main Committee