

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 161

MONDAY, 18 SEPTEMBER 1995

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 SUB JUDICE CONVENTION—STATEMENT BY SPEAKER—PAPER

The Speaker made a statement concerning the application of the *sub judice* convention in relation to proceedings in Royal Commissions, and presented the following paper:

Royal Commission into the Use of Executive Power (Western Australia)—Issues regarding Dr C. Lawrence—Copy of statement by Commissioner Marks, 5 September 1995.

Mr Reith, by indulgence, also made a statement in relation to the matter.

3 SAVINGS FOR RETIREMENT

Mr Cameron, pursuant to notice, moved—That this House:

- (1) acknowledges the need for Australian workers to save for their retirement to ensure the burden on the Government and Australian taxpayers is minimised;
- (2) as such, recognises the massive imposts under the guise of account and management fees that are imposed on individuals' retirement funds and the disincentive this causes to saving and the subsequent burden which is placed on taxpayers;
- (3) calls on the Government to provide policies which encourage savings for retirement; and
- (4) opposes any taxes or changes which discourage saving.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Monday.

4 BUILDING INDUSTRY SUBCONTRACTORS

Mr Braithwaite, pursuant to notice, moved—That this House:

- (1) notes the continuing problem in the construction and building industry of subcontractors not being paid by contractors, resulting in bankruptcy, liquidations and loss of jobs;
- (2) maintains that the Commonwealth should set the example as a client to enter into contracts conditional upon the main contractor paying subcontractors before further payments or progress payments are made;
- (3) notes that State and Territory legislatures have the same opportunities, in drawing up contracts, to require a condition in those contracts that subcontractors be paid in full as a prerequisite to further progress payments; and
- (4) recommends to the Minister for Administrative Services that he (a) take the necessary action to protect subcontractors on all federal contracts and (b) entreat his State and Territory counterparts to (i) take similar action to protect subcontractors on all State and Territory projects and (ii) enact legislation to protect subcontractors on private construction and building projects.

Debate ensued.

Mr Braithwaite, by leave, again addressed the House without closing the debate. The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Monday.

5 MOBILE PHONE BASE STATIONS

Mr Abbott, pursuant to notice, moved—That this House expresses concern about the exemptions and privileges now enjoyed by telecommunications carriers and calls on the Government to make the erection of mobile phone base stations subject to the consent of local councils.

Debate ensued.

It being 2.45 p.m., the debate was interrupted in accordance with standing order 104A, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Chynoweth was granted leave to continue his speech when the debate is resumed.

6 MEMBERS' STATEMENTS

Members' statements were made.

7 MINISTERIAL ARRANGEMENTS

Mr Keating (Prime Minister) informed the House that, during the absence abroad of Mr Brereton (Minister for Industrial Relations and Minister for Transport), Mr Lee (Minister for Communications and the Arts) would answer questions relating to the transport portfolio and Mr Johns (Assistant Minister for Industrial Relations) would answer questions relating to the industrial relations portfolio.

8 QUESTIONS

Questions without notice being asked—

Paper: Dr Wooldridge, by leave, presented the following paper:

Testing for memory disorder.—Editorial comment by Carmen Lawrence—Copy of extract from *Australian and New Zealand Journal of Psychiatry* (1984) 18: 207-210.

Questions without notice continued.

9 DEATH OF DAME PATTIE MENZIES

Mr Keating (Prime Minister) referred to the death of Dame Pattie Menzies, GBE, and moved—That the House expresses its deep regret at the death on Wednesday, 30 August 1995, of Dame Pattie Maie Menzies, places on record its appreciation of her long and meritorious public service and tenders its profound sympathy to her family in their bereavement.

And Mr Howard (Leader of the Opposition) having seconded the motion, and Mr Fischer (Leader of the National Party of Australia) and other Members having addressed the House in support thereof, and all Members present having risen, in silence—

Question—passed.

10 SUSPENSION OF STANDING AND SESSIONAL ORDERS—GRIEVANCE DEBATE

Mr Elliott (Parliamentary Secretary to the Treasurer), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent order of the day No. 1, government business, Grievance debate, when called on, continuing until 6.30 p.m.

Question—put and passed.

11 PETITIONS AND MINISTER'S RESPONSES

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Free, Mr A A Morris and Mr Ronaldson, from 63, 30 and 39 petitioners, respectively, praying that certain actions be taken with respect to the application for refugee status by East Timorese in Australia.

Mr Cobb and Mr Hollis, from 63 and 116 petitioners, respectively, praying that family day care providers, users and sponsors be consulted before decisions are made concerning home based child care workers.

Mr Hawker and Mr Jull, from 40 and 10 petitioners, respectively, praying that no action be taken to change the national flag unless approved by the people of Australia in a national poll.

Mr Abbott, from 57 residents of Harbord, NSW, praying that approval of the installation of a mobile telephone base station in Harbord Village be reversed.

Mr Anderson, from 117 petitioners, praying that the exclusiveness of marriage as being between one male and one female be preserved and that the Marriage Act be amended to prohibit certain marriages.

Mr Cleeland, from 4433 petitioners, praying that Australia's opposition to the decision of the French Government to resume nuclear testing in the South Pacific be conveyed to the French Parliament.

Mr Cleeland, from 762 petitioners, praying that Better Cities Program funding be provided for the electrification of the railway line to Craigieburn, Vic.

Mr Crean, from 38 petitioners, praying that certain action be taken to ensure the equitable provision of undergraduate and postgraduate education.

Mr Dodd, from 496 residents of North Queensland, praying that a trade embargo be enforced on France and that uranium not be sold to the French.

Mr Fischer, from 512 petitioners, praying that the existing national flag remain sacrosanct.

Mr Hawker, from 34 petitioners, praying that funding for breast cancer research be increased tenfold in the Budget and initiatives to encourage donations for research be considered.

Mr Humphreys, from 2828 residents of Queensland, praying that multilateral and bilateral diplomatic action be initiated to bring about the reversal of the French Government's decision to resume nuclear testing in the South Pacific.

Mr Latham, from 16 residents of New South Wales, praying that the Adult Migrant English Service in Auburn, NSW, continue to be provided with at least the current level of funding.

Mr Lee, from 6 residents of New South Wales, praying that the medication Pulmozyme be listed under the Pharmaceutical Benefits Scheme.

Mr Tickner, from 674 and 12 residents of New South Wales, in similar terms.

Mr Mack, from 120 petitioners, praying that legislative action be taken to implement the Earth Repair Charter.

Mr Mack, from 96 petitioners, praying that logging in the Deua wilderness and other forest areas of high conservation value in New South Wales be stopped.

Mr Mack, from 1468 petitioners, praying that certain actions be taken to protect all native old growth, wilderness and other high conservation value forests in Australia.

Mr Mack, from 1026, 241, 71 and 38 petitioners, in similar terms.

Mr Moore, from 19 petitioners, praying that the dumping of jarosite off the coast of Tasmania cease.

Mr Sharp, from 269 petitioners, praying that a classification system be applied to all audio tapes and compact discs and that certain items be restricted from sale to minors.

Mr Slipper, from 639 electors of the Division of Fisher, praying that funding be allocated for the establishment of a nursing home in the Maleny area, Qld.

Mrs S. J. Smith, from 211 residents of Launceston, praying that the incidence of aircraft flights at night over Launceston be investigated and steps be taken to prevent noise pollution and remove the risk of air traffic accidents.

Mr Truss, from 33 petitioners, praying that the current national flag be preserved and no change be made to its design unless supported by referendum by the majority of Australians in the majority of States.

Mr Truss, from 8 petitioners, praying that the House call on the Minister for Human Services and Health to withdraw her endorsement of the sex guide published in the December 1994 issue of *Cleo* magazine and on the Prime Minister to indicate his disapproval of it.

Mr Vaile, from 1497 electors of the Division of Lyne, praying that nuclear testing at Mururoa Atoll be condemned and a naval vessel be sent to monitor tests.

Mr Vaile, from 258 petitioners, praying that legislative action be taken to ensure family members are not denied access to children of their extended family.

Petitions received.

The Clerk announced that the following Minister's responses to petitions previously presented to the House had been received, viz.:

From the Minister for Human Services and Health relating to the petition lodged by—

Mr Dobie and Dr Lawrence, on 29 May 1995, praying that if enacted the Health Legislation (Private Health Insurance Reform) Amendment Act be repealed.

Mr Kerr, on 29 May 1995, praying that funding for the Alternative Birthing Service be continued.

Ms Fatin, on 26 June 1995, praying that people with breast cancer have access to the drug Taxol or its equivalent through the Pharmaceutical Benefits Scheme.

12 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:

5 September 1995—Message No. 303—

Commonwealth Authorities (Australian Capital Territory Pay-roll Tax) 1995.

Aircraft Noise Levy 1995.

Aircraft Noise Levy Collection 1995.

13 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

It being 6.30 p.m., the debate was interrupted in accordance with the resolution agreed to this day.

Question—That grievances be noted—put and passed.

14 MESSAGES FROM THE SENATE

Messages from the Senate, dated 31 August 1995, were reported:

(a) returning the Banking (Queensland Industry Development Corporation) Amendment Bill 1995 without amendment—Message No. 529.

(b) acquainting the House that Senator Wheelwright had been appointed a member of the Joint Standing Committee on Electoral Matters in place of Senator Foreman, discharged only for the period 1 September to 30 December 1995—Message No. 530.

15 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT BILL (NO. 5) 1994

The following message from the Senate was reported:

Message No. 525

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the law relating to migration, 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, 31 August 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 2, subclause (2), lines 4 to 7, omit the subclause, substitute the following subclauses:

“(2) Schedule 2 commences on a day to be fixed by Proclamation.

“(3) If Schedule 2 does not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.”.

No. 2—Clause 5, page 2, line 19, omit “1 July 1995”, substitute “the day on which this section commences”.

No. 3—Clause 9, page 3, line 36, omit “1 July 1995”, substitute “the day on which that Schedule commences”.

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to, after debate.

16 MESSAGE FROM THE SENATE—MIGRATION AGENTS REGISTRATION (APPLICATION) LEVY AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 526

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Migration Agents Registration (Application) Levy Act 1992’, 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, 31 August 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 2, lines 3 and 4, omit the clause, substitute the following clause:

Commencement

“2.(1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

“(2) If this Act does not commence within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.”.

No. 2—Clause 3, page 3, subclause (2), line 19, omit “1 July 1995”, substitute “the day on which this section commences”.

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

17 MESSAGE FROM THE SENATE—MIGRATION AGENTS REGISTRATION (RENEWAL) LEVY AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 527

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Migration Agents Registration (Renewal) Levy Act 1992', 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, 31 August 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 2, lines 3 and 4, omit the clause, substitute the following clause:

Commencement

"**2.(1)** Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

"**(2)** If this Act does not commence within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period."

No. 2—Clause 3, page 3, subclause (2), line 21, omit "1 July 1995", substitute "the day on which this section commences".

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

18 MESSAGE FROM THE SENATE—IMMIGRATION (EDUCATION) CHARGE AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 528

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Immigration (Education) Charge Act 1992', 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, 31 August 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 2, lines 1 and 2, omit the clause, substitute the following clause:

Commencement

“2.(1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

“(2) If this Act does not commence within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.”.

No. 2—Clause 3, page 2, subclause (2), line 36, omit “1 July 1995”, substitute “the day on which this section commences”.

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

19 INDUSTRIAL RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1995

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 Reith, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the provisions of the Bill and whilst recognising that this Bill provides some improvement to the unfair dismissal provisions of the Industrial Relations Act, the House is of the opinion that, even as amended, the unfair dismissal provisions of the Industrial Relations Act remain a disincentive to job creation, that they impose a very heavy burden on business, particularly on small business, and that they were enacted without proper prior consultation”—

Debate resumed.

20 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 18 September 1995:

Aboriginal and Torres Strait Islander Commission Act—Rules—Regional Council Election (Amendment 1995 No.2).

Bankruptcy Act—Rules—Statutory Rules 1995 No. 251.

Christmas Island Act—Ordinance 1995 No. 3.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—

Exemptions 1995 Nos. CASA 3/1995, 18/FRS/30/1995, 21/FRS/33/1995, 22/FRS/34/1995, 23/FRS/35/1995, 27/FRS/39/1995, 28/FRS/40/1995, 25/FRS/37/1995, 33/FRS/45/1995, 34/FRS/46/1995, 35/FRS/47/1995, 36/FRS/48/1995, 37/FRS/49/1995, 29/FRS/41/1995, 30/FRS/42/1995, 31/FRS/43/1995.

Parts—

105—Amendments 1995, 11, 14(3), 17, 18(2), 21(6), 25(8) 28, 30(4), 31 August, 1(4), 5(2) September.

106—Amendments 1995, 4, 14, 18 August.

107—Amendments 1995, 28 August, 1 September.

Cocos (Keeling) Islands Act—Ordinance 1995 No. 2.

Customs Act—Instrument of approval 1995 No. 2.

Defence Act—Determinations under section 58B 1995 Nos. 24, 25.

Export Control Act—Export Control (Orders) Regulations—Livestock Export (Merino) Orders 1995 No. 1 (*in substitution for paper presented on 22 August 1995*).

Export Inspection (Quantity Charge) Act—Regulations—Statutory Rules 1995 No. 256.

Export Inspection and Meat Charges Collection Act—Regulations—Statutory Rules 1995 No. 257.

Health Insurance Act—

Determination No. HS/2/1995.

Statement under section 106AA (Dr Andriya Milan Martinovic), 30 August 1995.

Hearing Services Act—Determination No. HSA 5/95/1.

High Court of Australia Act—Rule of Court, 5 September 1995.

Judicial and Statutory Officers (Remuneration and Allowances) Act—Regulations—Statutory Rules 1995 No. 254.

Lands Acquisition Act—Statement under section 40.

Migration Act—

Policy directions 1995 Nos. 1, 2.

Statements (34) under section 417.

Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 1995 No. 252.

National Health Act—

Determination No. HHF 8/1995.

Regulations—Statutory Rules 1995 No. 220 (*in substitution for paper presented on 22 August 1995*).

Navigation Act—Orders 1995 Nos. 5, 6, 7.

Proclamations by His Excellency the Governor-General fixing the dates on which the following Acts and provisions of Acts shall come into operation—

Aboriginal Land Rights (Northern Territory) Act 1976 inserted by *Aboriginal Land Rights (Northern Territory) Amendment Act 1987*—Paragraph 23 (1) (ea)—1 September 1995.

International War Crimes Tribunal Act 1995 and International War Crimes Tribunals (Consequential Amendments) Act 1995—Provisions of the Acts other than sections 1 and 2—28 August 1995.

Qantas Sale Act 1992—

Sections 22, 23, 26, 27, 29, 32, 33, 34, 42, 45, 46, 47, 48 and 49, and Part 4 of the Schedule—30 July 1995.

Sections 36, 38, 44 and 51, and Part 5 of the Schedule—30 August 1995.

Protection of the Sea (Prevention of Pollution from Ships) Act—Orders 1995 Nos. 8, 9.

Public Service Act—Determinations 1995 Nos. 87, 88, 131, 135, 136, 150, LES 25, LES 26.

Quarantine Act—Proclamation No. 154A.

Radiocommunications Act—Regulations—Statutory Rules 1995 No. 259.

Remuneration Tribunal Act—Remuneration Tribunal—Determinations 1995 Nos. 15, 16.

States Grants (Petroleum Products) Act—Amendment of scheme, 21 June 1995.

Stevedoring Industry Levy Act—Regulations—Statutory Rules 1995 No. 255.

Sugar Cane Levy Act—Regulations—Statutory Rules 1995 No. 258.

Telecommunications Act 1991—

Determination of a technical standard 1995 No. TS 003/AMDT/2/1995.

Telecommunications (Public Mobile Licences) (Amendment) Declaration 1995 No. 1.

Therapeutic Goods Act—Regulations—Statutory Rules 1995 No. 253.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Bilney, Mr Brereton, Mr Cadman, Mr Campbell, Mr Crean, Mr Cunningham, Mr Dobie, Mr Downer, Mr Free, Mr Gorman, Mr Griffiths, Mr Halverson, Mr Howe, Mr Jenkins, Mr Johns, Mr Jull, Mr Langmore, Mr Lee, Mr Lloyd, Mr McArthur, Mr McLachlan, Mr Moore, Mr Newell, Mr Sciacca, Mr L. J. Scott, Mr Walker and Mr Willis.

L. M. BARLIN

Clerk of the House of Representatives