

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 66

TUESDAY, 11 FEBRUARY 1997

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

2 RETURN TO WRIT—FRASER DIVISION

The Speaker announced that he had received a return to the writ which he had issued on 30 December 1996 for the election of a Member to serve for the electoral division of Fraser, in the Australian Capital Territory, to fill the vacancy caused by the resignation of Mr John Vance Langmore. By the endorsement on the writ, it was certified that Steven John Dargavel had been elected.

3 AFFIRMATION OF ALLEGIANCE BY MEMBER

Steven John Dargavel was introduced, and made and subscribed the affirmation of allegiance required by law.

4 PAPER

Mr Howard (Prime Minister), by indulgence, referred to an answer given during question time on 10 February 1997 and presented the following paper:

Work for the dole scheme—Letter from Mr Andrew Robb, Federal Director, Liberal Party of Australia to Mr Howard, 11 February 1997.

5 QUESTIONS

Questions without notice being asked—

Papers: Mr McLachlan (Minister for Defence) presented the following papers:

Exercise Tandem Thrust 97—Environmental impact of military exercise—Copies of—

Royal Australian Navy—

Executive summary—Environmental issues.

Policy for the disposal of shipborne waste, DI(N) OPS 19-1, 15 December 1994.

Pollution discharge restrictions—Aid to provide abbreviated guidance from DI(N) OPS 19-1, December 1995.

Questions without notice continued.

6 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 26 of 1996-97—Performance audit—Community Development Employment Projects Scheme—Phase two of audit: Aboriginal and Torres Strait Islander Commission.

Mr Reith (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 26 of 1996-97; and
- (2) the report be printed.

Question—put and passed.

7 PAPERS

The following papers were presented:

Aboriginal Deaths in Custody—Royal Commission—Implementation of the Commonwealth Government responses to the recommendations of the Royal Commission—Report for 1995-96—Volumes 1 and 2.

Australian Nuclear Science and Technology Organisation Act—Nuclear Safety Bureau—Report for period 1 July to 30 September 1996.

Treaties—

Bilateral—Text, together with national interest analysis—

Agreement between the Government of Australia and the Government of Hong Kong concerning Mutual Legal Assistance in Criminal Matters, done at Sydney on 23 September 1996.

Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the location of a RSAF Helicopter Squadron at the Army Aviation Centre, Oakey, done at Canberra on 21 October 1996.

Exchange of Notes, done at Canberra on 22 November 1996, constituting an Agreement to amend the Agreement between the Government of Australia and the Government of the Socialist Republic of Vietnam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, of 13 April 1992.

Bilateral—National interest analysis for text already presented—

Trade and Investment Agreement between the Government of Australia and the Government of the United Mexican States, done at Jakarta on 13 November 1994.

Multilateral—National interest analysis for texts already presented—

International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 18 December 1971.

International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969.

8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LABOUR MARKET PROGRAMS

The House was informed that Mr Beazley (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The need to embrace broadly based active labour market programs which require obligation on the recipient of unemployment benefits and on the government”.

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

9 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, 24 February 1997.

10 MESSAGE FROM THE SENATE—CUSTOMS AMENDMENT BILL (NO. 2) 1996

The following message from the Senate was reported:

Message No. 131

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the Customs Act 1901, 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.

MARGARET REID

President

The Senate

10 February 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 2, page 1 (line 10), omit “subsection (3)”, substitute “subsections (3) and (4)”.
- (2) Clause 2, page 2 (line 1), after “this Act”, insert “(other than item 12 of Schedule 1)”.
- (3) Clause 2, page 2 (after line 4), at the end of the clause, add:

- (4) Item 12 of Schedule 1 commences 12 months after the day on which item 10 of that Schedule commences.
- (4) Schedule 1, item 10, page 6 (lines 29 to 32), omit all the words after “21 days after”, substitute “the person is notified by Customs of the total amount of all the screening charge in relation to goods covered by electronic reports for which the person becomes liable during each respective month of the year, pay to the Commonwealth that amount”.
- (5) Schedule 1, item 25, page 18 (line 4), omit “April”, substitute “July”.
- (6) Schedule 1, item 25, page 18 (line 13), omit “April”, substitute “July”.
- (7) Schedule 1, item 25, page 18 (line 16), omit “July”, substitute “October”.
- (8) Schedule 1, item 25, page 18 (line 18), omit “April”, substitute “July”.
- (9) Schedule 1, item 25, page 18 (line 22), omit “31 March”, substitute “30 June”.
- (10) Schedule 1, item 25, page 18 (line 28), omit “April”, substitute “July”.
- (11) Schedule 1, item 25, page 18 (line 31), omit “July”, substitute “October”.
- (12) Schedule 1, item 25, page 19 (line 16), omit “April”, substitute “July”.

On the motion of Mr Prosser (Minister for Small Business and Consumer Affairs), the amendments were agreed to, after debate.

11 MESSAGE FROM THE SENATE

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

10 February 1997—Message No. 132—Import Processing Charges 1996.

12 MESSAGE FROM THE SENATE—CUSTOMS DEPOT LICENSING CHARGES BILL 1996

The following message from the Senate was reported:

Message No. 133

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to impose charges in relation to the licensing of depots under the Customs Act 1901**, and requests the House to amend the bill as indicated by the annexed schedule.

MARGARET REID

President

The Senate

10 February 1997

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

- (1) Clause 3, page 2 (lines 3 to 13), insert:

cargo report means a cargo report under section 64AB of the Customs Act.

electronic, in relation to a cargo report, means transmitted to Customs by computer.

line of cargo means cargo covered by that part of an electronic or documentary cargo report that constitutes a reference to:

- (a) a single air waybill or similar document; or
- (b) a single bill of lading or similar document.

transactions handled, in relation to a place that is, or becomes, a depot licensed under Part IVA of the Customs Act and to a period, means lines of cargo received into that place during that period.

- (2) Clause 5, page 3 (line 1), omit “April”, substitute “July”.
- (3) Clause 6, page 3 (lines 10 and 11), omit “section 77U is \$4,000, or, if another amount not exceeding \$6,000 is prescribed, that other amount”, substitute “section 77U of the Customs Act is the annual rate of that charge determined in accordance with subsection (1A)”.
- (4) Clause 6, page 3 (after line 11), after subclause (1), insert:
 - (1A) For the purposes of this section and subject to subsection (1B), the annual rate of depot licence charge payable in respect of the grant or renewal of a licence as set out in section 77U of the Customs Act is:
 - (a) if the depot concerned was not licensed under Part IVA of that Act immediately before the commencement of the period for which the grant is sought—\$4,000, or, if another amount not exceeding \$6,000 is prescribed, that other amount; or
 - (b) if the depot concerned was licensed under Part IVA of that Act during the whole of the year (the **reference year**) ending on the 31 March preceding the commencement of the financial year for which the renewal is sought and the depot handled not less than 100 transactions during the reference year—\$4,000, or, if another amount not exceeding \$6,000 is prescribed, that other amount; or
 - (c) if the depot concerned was licensed under Part IVA of that Act during the whole of the year (the **reference year**) ending on the 31 March preceding the commencement of the financial year for which the renewal is sought and the depot handled less than 100 transactions during the reference year—\$1,500, or, if another amount not exceeding \$2,250 is prescribed, that other amount.
 - (1B) If the depot concerned commenced to be licensed under Part IVA of the Customs Act during the course of the year (the **reference year**) ending on the 31 March preceding the commencement of the financial year for which the renewal is sought and did not cease to be so licensed during that year, subsection (1A) has effect as if:

- (a) the depot had been licensed under that Part for the whole of the reference year; and
- (b) the number of transactions handled by the depot during the reference year were worked out to the nearest whole number using the formula:

$$\text{Number of reference day transactions} \times \frac{\text{Days in the reference year}}{\text{Reference days}}$$

- (1C) In subsection (1B):

number of reference day transactions is the total number of transactions handled by the depot during the reference days.

days in the reference year means:

- (a) if paragraph (b) does not apply—365; or
- (b) if the reference year is not constituted by 365 days—the number of days in the reference year.

reference days means the number of days in relation to a depot in the reference year during which the depot was licensed under Part IVA of the Customs Act.

- (5) Clause 6, page 3 (lines 18 and 19), omit the definition of ***annual rate***, substitute:

annual rate is the amount determined in accordance with subsection (1A).

- (6) Clause 6, page 4 (lines 1 to 3), omit subclause (3), substitute:

- (3) For the purposes of this section and subject to subsection (4), the depot licence charge payable by a person or partnership in respect of the grant of a licence in the circumstances set out in subsection 77M(6) of the Customs Act is:

- (a) if the depot concerned was an appointed place under paragraph 17(b) of the Customs Act during the whole of the year (the ***reference year***) ending immediately before the commencement of the period covered by the licence and it handled not less than 100 transactions during the reference year—\$5,000; or
- (b) if the depot concerned was an appointed place under paragraph 17(b) of the Customs Act during the whole of the year (the ***reference year***) ending immediately before the commencement of the period covered by the licence and it handled less than 100 transactions during the reference year—\$1,875.

- (4) If the depot concerned commenced to be an appointed place under paragraph 17(b) during the course of the year (the ***reference year***) ending immediately before the commencement of the period

covered by the licence and did not cease to be so appointed during that year, subsection (3) has effect as if:

- (a) the place had been an appointed place under paragraph 17(b) for the whole of the reference year; and
- (b) the number of transactions handled by the place during the reference year were worked out to the nearest whole number using the formula:

$$\text{Number of reference day transactions} \times \frac{\text{Days in the reference year}}{\text{Reference days}}$$

(5) In subsection (4):

number of reference day transactions is the total number of transactions handled by the place during the reference days.

days in the reference year means:

- (a) if paragraph (b) does not apply—365; or
- (b) if the reference year is not constituted by 365 days—the number of days in the reference year.

reference days means the number of days in relation to a place in the reference year during which the place was appointed under paragraph 17(b) of the Customs Act.

On the motion of Mr Prosser (Minister for Small Business and Consumer Affairs), the requested amendments were made, after debate.

13 **BILLS REFERRED TO MAIN COMMITTEE**

Mr Cadman (Chief Government Whip), pursuant to notice, moved—That the following Bills be referred to the Main Committee for further consideration:

Crimes and Other Legislation Amendment 1996;

Customs Tariff Amendment (No. 2) 1996;

Farm Household Support Amendment 1996;

Primary Industries and Energy Legislation Amendment (No. 3) 1996; and

Multilateral Investment Guarantee Agency 1996.

Question—put and passed.

14 **PRODUCTIVITY COMMISSION BILL 1996**

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 by Mr G. J. Evans (Deputy Leader of the Opposition) who 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, the House:

- (1) expresses its concern at the monopolisation of economic advice under the Treasury portfolio, with the abolition of EPAC and the BIE meaning the disappearance of independent sources of economic and industry policy advice to the Prime Minister and to the Minister for Industry, Science and Tourism;
- (2) expresses its concern that the centralising of economic and industry policy advice under one Minister increases the risk of the Government adopting inappropriate policies in these areas;
- (3) believes that the Commission should be required to have regard, when providing its advice, not only to Australia's international obligations but the progress made by Australia's trading partners in reducing both tariff and non-tariff barriers;
- (4) believes that the Commission should be required to have regard, when providing its advice, to the regional development and employment consequences of that advice; and
- (5) believes that the legislation should reflect the principle that competitive neutrality should apply equally across the public and private sector, and that government businesses should not suffer specific disadvantage in competing against the private sector".

Debate continued.

Mr Cadman addressing the House—

15 ADJOURNMENT

It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

ATTENDANCE

All Members attended (at some time during the sitting) except Ms Hanson and Mr Somlyay.

L. M. BARLIN

Clerk of the House of Representatives