

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 77

TUESDAY, 18 MARCH 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 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mr Moore (Minister for Industry, Science and Tourism), Mr Prosser (Minister for Small Business and Consumer Affairs) would answer questions on his behalf.

3 PAPUA NEW GUINEA—STATEMENTS BY MEMBERS

Mr Howard (Prime Minister), by indulgence, referred to the dismissal of the Commander-in-Chief of the Papua New Guinea Defence Force and surrounding events in Papua New Guinea.

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

4 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw: At 3.07 p.m. the Member for Hunter (Mr Fitzgibbon) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a general warning had been given by the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continuing—

Member ordered to withdraw: At 3.10 p.m. the Member for Corio (Mr O'Connor) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a general warning had been given by the Chair.

Mr O'Connor having again interjected—

Member named and suspended: The Speaker named the Member for Corio.

Mr Reith (Leader of the House) moved—That the Member for Corio be suspended from the service of the House.

Question—put.

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

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

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

* Tellers

And so it was resolved in the affirmative.

The Member was, therefore, suspended at 3.22 p.m. for 24 hours under standing order 305, and he accordingly withdrew from the Chamber.

Questions without notice continued.

5 PAPERS

The following papers were presented:

Treaties—

Bilateral with national interest analysis—

Agreement between the Government of Australia and the Government of the Republic of Chile on Gainful Employment of Dependants of Diplomatic and Consular Personnel, done at Canberra on 12 March 1997.

Subsidiary Agreement between the Government of Australia and the Government of Japan concerning Japanese Tuna Long-Line Fishing.

6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH CARE

The House was informed that Mr Lee had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The suffering caused to Australians with health problems by the Government’s health cuts and the misallocation of resources to private health insurance rebates rather than directly to patient care”.

The proposed discussion having received the necessary support—

Mr Lee addressed the House.

Discussion ensued.

Paper: Dr Wooldridge (Minister for Health and Family Services), by leave, presented the following paper:

Matter of public importance—Copy of letter from Mr Lee to the Speaker, 10 October 1996.

Discussion continued.

Discussion concluded.

7 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:

8 March 1997—Message No. 112—Marine Personnel Legislation Amendment 1997.

13 March 1997—Message No. 113—
Bankruptcy Amendment 1997.

Bankruptcy (Estate Charges) 1997.

Bankruptcy (Registration Charges) 1997.

8 MESSAGES FROM THE SENATE

Messages from the Senate, dated 17 March 1997, were reported:

(a) returning the following Bills without amendment:

Message—

No. 169—Income Tax Assessment 1996.

No. 170—Income Tax (Consequential Amendments) 1996.

No. 171—Income Tax (Transitional Provisions) 1996.

No. 172—Family Law Amendment 1996.

- (b) acquainting the House that the Senate had agreed to the consequential amendment made by the House in the Migration Legislation Amendment Bill (No. 3) 1996—Message No. 173.

9 MAIN COMMITTEE—DAY OF NEXT MEETING

The Second Deputy Speaker reported that Wednesday, 19 March 1997, at 10 a.m., had been fixed for the next meeting of the Main Committee.

10 CUSTOMS TARIFF PROPOSAL

Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs) moved Customs Tariff Proposal No. 1 (1997).

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

11 CORPORATIONS LAW AMENDMENT 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.

Debate adjourned (Mr McClelland), and the resumption of the debate made an order of the day for a later hour this day.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Sinclair (Chair) presented the following papers:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Human Rights and Equal Opportunity Commissioner and the Commonwealth Ombudsman: Report on public seminars, 20 and 25 September 1996—

Report, March 1997.

Minutes of proceedings.

Ordered—That the report be printed.

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

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

Mr Sinclair 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.

13 CORPORATIONS LAW AMENDMENT 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.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the Bill was read a third time.

14 AVIATION LEGISLATION AMENDMENT BILL (NO. 1) 1997

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.

Debate adjourned (Mr Cadman), and the resumption of the debate made an order of the day for a later hour this day.

15 BILLS REFERRED TO MAIN COMMITTEE

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

Export Finance and Insurance Corporation Amendment 1997;

Australia New Zealand Food Authority Amendment 1996;

Tax Law Improvement 1996;

International Transfer of Prisoners 1996;

Child Support Legislation Amendment (No. 1) 1996; and

Excise Tariff Amendment (No. 1) 1997.

Question—put and passed.

16 AVIATION LEGISLATION AMENDMENT BILL (NO. 1) 1997

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.

Consideration in detail

Schedule 1—

Item 1 agreed to.

Item 2—

Mr Tanner moved the following amendment: Page 8, after proposed subparagraph 15D (iii), insert the following subparagraph:

- (iiia) if foreign interests hold substantial ownership and effective control of the charterer or the charter operator — employment and investment in, and general development of, the Australian Aviation industry; and

Debate continued.

Amendment negatived.

Mr Tanner moved the following amendment: Page 4, after proposed section 15A(3), insert the following subsection:

- (3A) In deciding whether to make a determination under subsection (3), the Secretary is to have regard to the following matters (except to the extent, if any, to which the matters concerned relate to the safety of air navigation):
- (a) the public interest, including but not limited to:
 - (i) the need of people to travel on, or to send cargo and mail by, aircraft; and
 - (ii) the promotion of trade and tourism to and from Australia; and
 - (iii) if the application relates to a program of flights to or from Australia—whether there is to be a wide range of places in Australia that will be served under the program; and
 - (iv) aviation security; and
 - (v) Australia's international relations;
 - (b) the availability of capacity (within the meaning of the *International Air Services Commission Act 1992*) on scheduled international air services, and any relevant determination made by the International Air Services Commission in respect of the allocation of capacity on those services;
 - (c) any relevant advice on matters referred to in paragraph (a) that is provided to the Minister by that Commission under paragraph 6(2)(c) of that Act; and
 - (d) any other matter that the Secretary thinks relevant.

Debate continued.

Amendment negatived.

Item agreed to.

Remainder of Bill, by leave, taken as whole, and agreed to.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Ronaldson (Parliamentary Secretary to the Minister for Transport and Regional Development), by leave, the Bill was read a third time.

17 EXPORT MARKET DEVELOPMENT GRANTS BILL 1997

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 S. F. Smith 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) notes that the legislation is in breach of the Government's election commitments;
- (2) notes that the legislation is in breach of personal undertakings given by the Deputy Prime Minister and Minister for Trade while in Opposition;
- (3) notes that the Government's own 1996-97 Budget papers and recent Mid-year Economic and Fiscal Outlook 1996-97 assume a negative contribution to growth in GDP by net exports for 1996-97 and 1997-98, a fall from a positive contribution of 1% in 1995-96;
- (4) notes the Government's own Budget papers state that for the 1994-95 grant year the scheme achieved a ratio of exports achieved to grants expenditure of 33:1;
- (5) notes with concern the increased discretion provided to Austrade in the administration of the scheme;
- (6) notes that the \$150 million proposed cap includes up to a maximum of 5% (\$7.5 million) for costs and administration leaving only \$142.5 million available per annum for exporters;
- (7) rejects the notion of 'capping' the scheme to such a limit;
- (8) rejects the narrowing of the scheme and the exclusion of patent regulation, overseas buyers visits to Australia, foreign language training, international business education courses, export packaging and labelling design, tenders and quotations, free technical information and subscriptions to associations as eligible export activity; and
- (9) rejects the adverse retrospective applicability of the Government's proposals, in particular as they relate to eligible export activity and trusts no longer being an eligible corporate identity able to apply under the scheme".

Mr Charles addressing the House—

18 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.

PAPERS

The following papers were deemed to have been presented on 18 March 1997:

Air Force Act—Regulations—Statutory Rules 1997 No. 35.

- Air Force Act, Defence Act and Naval Defence Act—Regulations—Statutory Rules 1997 No. 36.
- Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for the collection of information 1997 Nos. 3, 4.
- Civil Aviation Act—Civil Aviation Regulations—
- Civil Aviation Orders—Exemptions 1997 Nos. 15/FRS/1997, 16/FRS/1996, 17/FRS/1997.
- Exemption 1997 No. CASA 06/97.
- Customs Act—Regulations—Statutory Rules 1997 Nos. 30, 31, 32, 33, 52.
- Defence Act—
- By-Laws—Statutory Rules 1997 No. 34.
- Regulations—Statutory Rules 1997 Nos. 37, 38, 40.
- Defence Act, Naval Defence Act and Air Force Act—Regulations—Statutory Rules 1997 Nos. 39, 43.
- Defence Force Discipline Act—Regulations—Statutory Rules 1997 No. 41.
- Defence Force Retirement and Death Benefits Act—Regulations—Statutory Rules 1997 No. 42.
- Horticultural Levy Act and Horticultural Export Charge Act—Regulations—Statutory Rules 1997 No. 51.
- Judicial and Statutory Officers (Remuneration and Allowances) Act—Regulations—Statutory Rules 1997 No. 49.
- National Health Act—Determination No. 1996-97/ACC6.
- Naval Defence Act—Regulations—Statutory Rules 1997 Nos. 44, 45.
- Navigation Act—Marine orders 1997 No. 1.
- Public Service Act—Determinations 1997 Nos. 6, 9, 10.
- Radiocommunications Act—
- Instrument—Statutory Rules 1997 Nos. 26, 28, 29.
- Standard—Statutory Rules 1997 Nos. 25, 27.
- Remuneration Tribunal Act—Regulations—Statutory Rules 1997 No. 50.
- Superannuation Act 1976*—Regulations—Statutory Rules 1997 No. 47.
- Taxation Administration Act—Ruling 1997 No. TR 4.
- Trade Practices Act—Regulations—Statutory Rules 1997 No. 53.
- War Service Estates Act—Regulations—Statutory Rules 1997 No. 46.
- Workplace Relations Act—Regulations—Statutory Rules 1997 No. 48.
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ATTENDANCE

All Members attended (at some time during the sitting) except Mr K. J. Andrews, Mr P. J. Baldwin, Mr Jones, Mr Moore and Mrs Sullivan.

L. M. BARLIN
Clerk of the House of Representatives