

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 81

TUESDAY, 25 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 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw: At 2.44 p.m. the Member for Brisbane (Mr Bevis) 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 continued.

3 PAPERS

The following papers were presented:

Advance to the Minister for Finance—
Statements for February 1997.

Supporting applications of issues from the Advance during February 1997.

Commonwealth Electoral Act—Redistribution of electoral divisions, 1997—
Western Australia—Volume 1—Erratum.

National Health Act—Nursing Home Standards Review Panels—Reports for
1995-96.

National Health and Medical Research Council Act—National Health and
Medical Research Council—Review of the implementation of the strategic plan
for 1994-96.

4 NURSING HOME STANDARDS REVIEW PANELS—REPORTS—MOTION TO TAKE NOTE OF PAPER

Mr Reith (Leader of the House) moved—That the House take note of the following paper:

National Health Act—Nursing Home Standards Review Panels—Reports for
1995-96.

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

5 PAPERS

Mr Reith (Leader of the House) presented the following papers:

Petitions not in accord with standing and sessional orders of the House—

Request for recognition of active service of members of the Royal Australian Navy during the Malayan emergency between 1955 and 1960 (Mr Reith, 6 petitioners).

Request for government support for the NSW sugar industry (Mr Causley, 1214 petitioners).

6 PUBLIC ACCOUNTS—JOINT COMMITTEE—AUTHORITY TO MEET WITH COMMITTEE OF QUEENSLAND PARLIAMENT

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

(1) That the House, noting:

- (a) that the Joint Committee of Public Accounts is at present conducting an inquiry into Commonwealth and State accountability requirements for Aboriginal and Torres Strait Islander local government councils;
- (b) that the Public Accounts Committee of the Legislative Assembly of Queensland is at present conducting an inquiry into the same matter; and
- (c) that the two committees have agreed to work together in their inquiries into this matter in order that the Senate and the House of Representatives and the Legislative Assembly of Queensland will have the benefit of comprehensive reports taking account of federal and State issues,

authorises the Joint Committee of Public Accounts to confer and sit with the Public Accounts Committee of the Legislative Assembly of Queensland in connection with the consideration of Commonwealth and State accountability requirements for Aboriginal and Torres Strait Islander local government councils.

(2) That, at meetings for the purposes of the proceedings authorised by paragraph (1) of this resolution:

- (a) Members and Senators for the time being appointed to the Joint Committee of Public Accounts and Members of the Public Accounts Committee of the Legislative Assembly of Queensland are authorised to participate in the proceedings;
- (b) at all times during such proceedings the presence of 3 members of the Joint Committee of Public Accounts will be necessary to constitute a quorum;
- (c) the Chairman or the Vice Chairman of the Joint Committee of Public Accounts or the Chair or Deputy Chair of the Public Accounts

Committee of the Legislative Assembly of Queensland shall preside. In the absence of agreement on the selection of a Chair the proceedings shall be adjourned and the secretary attending the committee shall convene a meeting at another time;

- (d) the determination of questions and the examination of witnesses shall be conducted in accordance with the procedures applicable to Committees of the Senate in so far as those procedures are applicable to Legislative and General Purpose Committees of the Senate and of the statutory provisions relating to the committees (in so far as those procedures are applicable).
- (3) That for the purposes of any interim, final, joint or separate reports to the Senate, the House and the Legislative Assembly of Queensland on Commonwealth State accountability requirements for Aboriginal and Torres Strait Islander local government councils, the Joint Committee of Public Accounts and the Queensland Public Accounts Committee may consider and make use of any information gained as a result of the proceedings authorised by this resolution.
- (4) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.
- (5) That in the event that a question arises in a meeting of the two committees in relation to the interpretation of either the *Public Accounts Committee Act 1951* or the *Parliamentary Committees Act 1995* (Qld), that question shall be resolved by the committee to which it applies.
- (6) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- (7) That the terms of this resolution be transmitted to the Legislative Assembly of Queensland.
- (8) That the meetings provided for by this resolution may proceed when the Legislative Assembly of Queensland has notified the Senate and the House of Representatives of its agreement to a resolution in comparable terms to this resolution.

Question—put and passed.

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SUPERANNUATION CONTRIBUTION

The House was informed that Mr G. J. Evans (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The consequences for ordinary working families and the Australian economy of the Government’s proposed abandonment of its \$4.5 billion superannuation co-contribution commitment”.

The proposed discussion having received the necessary support—

Mr G. J. Evans addressed the House.

Paper: Mr G. J. Evans, by leave, presented the following paper:

Assistance for retirement saving—Extracts from Budget statements, 1995-96 and 1996-97.

Discussion ensued.

Discussion concluded.

8 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—REPORT

Mr Latham presented the following paper:

Corporations and Securities—Parliamentary Joint Committee—Report on the annual reports of the Australian Securities Commission and other bodies 1994-95—Report, March 1997.

Ordered to be printed.

9 AGED CARE INCOME TESTING 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 Ms Macklin who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House:

- (1) deplores the government’s decision to charge a daily fee for nursing home residents which will ultimately lead to the creation of an ‘economy, business and first class’ system of nursing home care; and
- (2) is of the opinion that as well as enshrining a flawed and unjust policy, the Bill fails to:
 - (a) allow for the need to involve persons acting for or on behalf of nursing home or hostel residents where necessary;
 - (b) provide that the presumption should favour an appellant against a decision where the appeal has not been determined in the time allowed; and
 - (c) provide that all determinations should be appealable through the Social Security Appeals Tribunal or the Veterans’ Review Board to the Administrative Appeals Tribunal”.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

AYES, 83

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

NOES, 46

Mr Adams	Mr L. D. T. Ferguson	Mr Lee	Mr Price
Mr Albanese	Mr M. J. Ferguson	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr Fitzgibbon	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 Hollis	Mr Melham	Dr Theophanous
Mr Crean	Mr Jenkins	Mr A. A. Morris	Mr K. J. Thomson
Mrs Crosio	Mr Jones	Mr P. F. Morris	Mr Willis
Mr Dargavel	Mr Kerr	Mr Mossfield	Mr Wilton
Ms Ellis	Mr Latham	Mr O'Connor	
Mr M. J. Evans	Dr Lawrence	Mr O'Keefe	

* Tellers

And so it was resolved in the affirmative.

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

Consideration in detail

Bill, by leave, taken as a whole, and agreed to, after debate.

Consideration in detail concluded.

On the motion of Mrs Moylan (Minister for Family Services), by leave, the Bill was read a third time.

10 INTERNATIONAL TRANSFER OF PRISONERS BILL 1996—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the International Transfer of Prisoners Bill 1996 had been fully considered by the Main Committee and agreed to with an amendment (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the amendment.

Amendment made by the Main Committee agreed to.

Bill, as amended, agreed to.

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

11 EDUCATION LEGISLATION AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Education Legislation Amendment Bill 1997 had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation had been reported, and the Bill had been agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

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

12 MESSAGE FROM THE SENATE

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

25 March 1997 a.m.—Message No. 192—Euthanasia Laws 1996.

13 NATIONAL CRIME AUTHORITY—PARLIAMENTARY JOINT COMMITTEE—REPORT

Mr Bradford (Chairman) presented the following paper:

National Crime Authority—Parliamentary Joint Committee—Examination of the annual report for 1995-96 of the National Crime Authority—Report, March 1997.

Evidence received by the committee.

Ordered—That the report be printed.

14 TRADE PRACTICES AMENDMENT (INDUSTRY ACCESS CODES) BILL 1997

The order of the day having been read for the consideration in detail of the Bill—

Bill, by leave, taken as a whole.

Mr Latham, by leave, moved the following amendments together:

Schedule 1, page 3 (after line 6), after item 1, insert:

1A Section 44B (after paragraph (c) of the definition of service)

Insert:

- (ca) a service provided by a petroleum terminal, including the storage, handling, distribution and supply of petroleum products.

Schedule 1, page 3 (after line 6), after item 1, insert:

1B Before Subdivision A of Division 2 of Part IIIA

Insert:

Subdivision 1A-Petroleum terminals

44EA Petroleum terminals to be declared service

Petroleum terminals are a declared service for the purposes of this Part.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 46

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

NOES, 85

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

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

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

15 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (MALE TOTAL AVERAGE WEEKLY EARNINGS BENCHMARK) 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 P.J. Baldwin 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 condemns the Government for continuing to mislead Australian pensioners by introducing a bill which includes a completely inadequate mechanism for maintaining the single rate of pension at 25 percent of male total average weekly earnings, for the following reasons:

- (1) the bill contains a sunset provision which means that the commitment only extends for five years; and as such provides no long-term security for pensioners;
- (2) the bill as drafted gives effect to a new, and much more parsimonious, interpretation of the commitment than that of the previous Labor government since it only guarantees that the commitment will be met at

the two annual indexation points, with the possibility of pensions falling significantly below the benchmark between adjustments;

- (3) the bill makes no provision for the maintenance of the link to a number of other Social Security payments, particularly payments to partnered unemployed people and those with dependent children; and
- (4) the bill does nothing to redress the multi-faceted assault by this government on the living standards of pensioners through such measures as increased costs for pharmaceuticals, for nursing home accommodation and for other services”.

Debate continued.

16 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the House, at 11 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 25 March 1997:

Aboriginal and Torres Strait Islander Commission Act—Regulations—Statutory Rules 1997 No. 55.

Airports Act—Regulations—Statutory Rules 1997 No. 57.

Christmas Island Act—List of Western Australian Acts for period 7 September 1996 to 14 March 1997.

Civil Aviation Act—Regulations—Statutory Rules 1997 No. 67.

Cocos (Keeling) Islands Act—List of Western Australian Acts for period 7 September 1996 to 14 March 1997.

Customs Act—Regulations—Statutory Rules 1997 No. 70.

Financial Transaction Reports Act—Regulations—Statutory Rules 1997 No. 63.

Health Insurance Act—Regulations—Statutory Rules 1997 Nos. 54, 61, 62.

Income Tax Assessment Act—Regulations—Statutory Rules 1997 No. 68.

Migration Act—Regulations—Statutory Rules 1997 No. 64.

National Health Act—Regulations—Statutory Rules 1997 No. 58.

Primary Industries Levies and Charges Collection Act and Horticultural Levy Act—Regulations—Statutory Rules 1997 No. 66.

Social Security Act—

Pensions loans scheme rate of compound interest Determination 1997 No. 1.
Social Security (Access to Special Benefits by Newly Arrived Residents)
Guidelines 1997, 19 March 1997.

Social Security (Newly Arrived Resident's Waiting Periods) Determination
1997, 19 March 1997.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules
1997 No. 69.

Veterans' Entitlements Act—Pension loans scheme rate of compound interest
Determination 1997 No. 1.

Workplace Relations Act—Regulations—Statutory Rules 1997 No. 56.



ATTENDANCE

All Members attended (at some time during the sitting) except Mrs Draper, Mrs
Sullivan and Mr Zammit.



L. M. BARLIN

Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 81

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

TUESDAY, 25 MARCH 1997

1 The Main Committee met at 4 p.m.

2 INTERNATIONAL TRANSFER OF PRISONERS 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.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Williams (Attorney-General and Minister for Justice) moved the following amendment:

Clause 24, page 24 (line 10), omit “the transfer can be”, substitute “, were the Attorney-General to give that consent, the transfer could be”.

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

Amendment agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with an amendment.

3 EDUCATION LEGISLATION AMENDMENT 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.

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

Message from the Governor-General: Message No.117, dated 25 March 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

4 CHILD SUPPORT LEGISLATION AMENDMENT BILL (NO. 1) 1996

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

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

Mr Latham 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 concern at the failure of the Howard Government, after 12 months in office, to respond to the recommendations of the report of the Joint Select Committee into Certain Family Law Issues entitled ‘Child Support Scheme: An Examination of the Operation and Effectiveness of the Scheme’;
- (2) believes the Government should be concerned about the well-being and welfare of all families: whether they be intact families, separated families, single parent families or serial families;
- (3) notes with concern the failure to implement some of the report’s recommendations has caused parents and their children to suffer needless hardship;
- (4) believes that there is important and urgent need to improve and strengthen the Child Support Scheme; and
- (5) considers that much time has been lost and therefore the Government should respond to the recommendations of the report concerned with changing the child support formula as soon as possible and introduce legislation within six months to this effect”.

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

5 ADJOURNMENT

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the Main Committee adjourned at 6.45 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