

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 94

MONDAY, 16 JUNE 1997

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

**2 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

The Speaker presented the following paper:

Australian Parliamentary Delegation to the 97th Inter-Parliamentary Union Conference, Seoul, and bilateral visit to Japan, April 1997—Report—

and made a statement in connection with the report.

Mr Sinclair also made a statement in connection with the report.

**3 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Nairn (Chair) presented the following papers:

Electoral Matters—Joint Standing Committee—The 1996 federal election: Conduct of the 1996 federal election and matters related thereto—

Report, incorporating dissenting reports, June 1997.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Nairn, Mr Cobb, Mr Griffin and Mr McDougall made statements in connection with the report.

Mr Griffin, by leave, again addressed the House.

The time allotted for making statements on the report having expired—

Mr Nairn moved—That the House take note of the report.

Mr Nairn was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

**4 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—Visit of the Defence Subcommittee to Exercise Tandem Thrust 97, 12 to 14 March 1997—Report, May 1997.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Sinclair and Mr Taylor made statements in connection with the report.

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

Mr Sinclair was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

**5 MARITIME SAFETY**

Mr P. F. Morris, pursuant to notice, moved—That this House:

- (1) notes that:
  - (a) Mr Rommel Salvadore Escalante went overboard from the Panamanian registered MV *Hunter* anchored 4.8 nautical miles south east of Nobby's Signal station during the night of 20 January 1997;
  - (b) shore authorities were not notified that Mr Escalante was in the sea until 9.46 a.m. on 21 January 1997;
  - (c) eleven Honduran and Romanian crew members alleged mistreatment by the ship's officers and non-payment of wages;
  - (d) Mr Escalante was rescued from the sea, near death, by NSW Water Police at about 10.15 a.m. on 21 January 1997; and
  - (e) Polembros Maritime Co. Ltd of Piraeus, manager of the MV *Hunter*, initiated legal proceedings in the Federal Court against Newcastle Port Corporation, Port Waratah Coal Services Ltd, the International Transport Federation and the Maritime Union of Australia; and
- (2) calls on the Government of Panama to ensure that ships registered under its flag comply with the provisions of the International Maritime Safety Conventions to which Panama has subscribed.

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.

**6 HMAS SYDNEY—PROPOSED SELECT COMMITTEE**

The order of the day having been read for the resumption of the debate on the motion of Mr S. F. Smith—

- (1) That a select committee be appointed to inquire into and report on the circumstances of the sinking of HMAS *Sydney* off the Western Australian coast on 19 November 1941, with particular reference to:
  - (a) the extent to which all available archival material has been fully investigated and whether any archival material has been misplaced or destroyed;
  - (b) all relevant archival material from allied and former enemy forces;
  - (c) any scientific procedures now available, such as DNA testing, to identify human remains found on Christmas Island and claimed by many to be from HMAS *Sydney*;
  - (d) the extent to which the Commonwealth Government should participate in a search for HMAS *Sydney*; and
  - (e) measures which should be taken to protect and honour as war graves at sea the final resting places of HMAS *Sydney* and KSN *Kormoran*;
- (2) That the committee consist of 12 members, 7 members to be nominated by the Government Whip or Whips and 5 members to be nominated by the Opposition Whip or Whips or by any independent Member;
- (3) That every nomination of a member of the committee be forthwith notified in writing to the Speaker;
- (4) That the committee elect a Government member as its chairman;
- (5) That the committee elect a deputy chairman who shall perform the duties of the chairman of the committee at any time when the chairman is not present at a meeting of the committee and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to act as chairman at that meeting;
- (6) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine;
- (7) That the committee appoint the chairman of each subcommittee who shall have a casting vote only, and at any time when the chairman of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chairman at that meeting;
- (8) That the quorum of a subcommittee be a majority of the members of that subcommittee;
- (9) That members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum;
- (10) That the committee or any subcommittee have power to send for persons, papers and records;
- (11) That the committee or any subcommittee have power to move from place to place;

- (12) That a subcommittee have power to adjourn from time to time and to sit during any sittings or adjournment of the House;
- (13) That the committee have leave to report from time to time; and
- (14) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders—

Mr S. F. Smith, by leave, again addressed the House without closing the debate.  
Debate continued.

Mr Filing, by leave, again addressed the House.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 106A, and the resumption of the debate made an order of the day for the next sitting.

## **7 MEMBERS' STATEMENTS**

Members' statements were made.

## **8 MINISTERIAL ARRANGEMENTS**

Mr Howard (Prime Minister) informed the House that, during his forthcoming absence abroad, Mr Fischer (Deputy Prime Minister) would answer questions on his behalf.

Mr Howard also informed the House that, during the respective absences abroad of Mr Sharp (Minister for Transport and Regional Development) and Mr Downer (Minister for Foreign Affairs), Mr McGauran (Minister for Science and Technology) would answer questions on behalf of Mr Sharp and Mr Fischer would answer questions on behalf of Mr Downer.

## **9 RETIREMENT OF MR L. M. BARLIN, CLERK OF THE HOUSE**

The Speaker informed the House of the forthcoming retirement of Mr L. M. Barlin, AM, Clerk of the House.

Mr Howard (Prime Minister), by indulgence, paid tribute to Mr Barlin's distinguished contribution to the Parliament over many years.

## **10 QUESTIONS**

Questions without notice were asked.

## **11 PETITIONS**

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

Mr Albanese and Mr McClelland, from 1004 and 782 residents of Sydney, and Mr P. F. Morris, from 130 electors of the Division of Shortland, respectively, praying that the proposal to introduce nursing home entry fees be abandoned and full funding for capital assistance to nursing homes be restored.

Mr M. J. Evans and Ms Jeanes, from 6050 and 4110 residents of South Australia, respectively, praying that automotive tariffs be frozen at 15 percent in

the year 2000 until 2005 and that the export facilitation scheme be replaced with an export incentive scheme.

Mr L. D. T. Ferguson, from 32 residents of New South Wales, and Mr K. J. Thomson, from 41 petitioners, respectively, praying that nursing home care be available to all and that the family home be exempted from asset tests relating to payment for such care.

Mr Albanese, from 768 petitioners, praying that funding for legal aid continue at the pre-election level.

Mr Andren, from 119 petitioners, praying that policy directions for higher education and cuts to universities in the agri-education sector be halted.

Mr K. J. Andrews, from 21 residents of Victoria, praying that legislation be introduced to ban the sale of X-rated videos.

Mr Bartlett, from 14 petitioners, praying that the ABC's funding base be restored to its pre 1996-97 budget level and maintained in real terms.

Mrs Crosio, from 158 members of the South Western Sydney Women's Health Coalition, NSW, praying that the National Women's Health Program continue to be funded.

Mr Downer, from 70 petitioners, praying that certain action be taken to secure a free and fair election in Cambodia.

Mr M. J. Ferguson, from 8899 petitioners, praying that the Commonwealth Employment Service remain a free and universal provider of employment services funded by the Government.

Mr M. J. Ferguson, from 154 petitioners, praying that a high profile anti-racism campaign be mounted.

Ms Jeanes, from 1935 residents of South Australia, praying that automotive tariff cuts beyond 15 percent after the year 2000 be frozen.

Ms Jeanes, from 1226 residents of South Australia, praying that the property known as Glenthorne at O'Halloran Hill, SA, be protected from urban or industrial development and ownership be granted to the people of South Australia.

Mr Jenkins, from 17 petitioners, praying that the practice of issuing provider numbers only to certain medical practitioners be opposed.

Mr Martin, from 7 petitioners, praying that timed local calls on data services be recognised as an untenable proposition for small business.

Mr P. F. Morris, from 1663 electors of the Division of Shortland, praying that the Belmont, NSW, Medicare Office remain open.

Mr Mossfield, from 25 residents of New South Wales, praying that budget decisions relating to pharmaceutical benefits be reconsidered.

Mr K. J. Thomson, from 15 petitioners, praying that proposed cuts to labour market programs be rejected.

Mrs West, from 120 electors of the Division of Bowman, praying that certain action be taken in relation to a limited night curfew at Brisbane airport.

Petitions received.

**12 FRANCHISING INDUSTRY**

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

- (1) recognises the contribution of many forms of legitimate franchising to a vibrant small business sector;
- (2) expresses its concern at exploitive and immoral business practices which have infiltrated sections of the industry;
- (3) deplores such practices as kick-backs, churning, non-transparent master franchising arrangements and the unconscionable use of corporate structures to avoid on-going accountability; and
- (4) calls on the Government, by way of appropriate regulation and promotion of the Franchising Code of Practice, to eliminate exploitive and illegal practices in the franchising industry.

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.

**13 HEPATITIS C**

Mr R. D. C. Evans, pursuant to notice, moved—That this House:

- (1) recognises that an increasing proportion of the population is affected by Hepatitis C and that this virus therefore is considered to be a major health crisis currently facing Australia;
- (2) calls for an immediate review of the current budget allocation specifically designated for Hepatitis C within both federal and State governments;
- (3) calls on the Government to take immediate action to provide additional funding for the treatment of currently diagnosed patients as well as providing adequate funds for a comprehensive screening and assessment program Australia-wide; and
- (4) expresses strong concern at the current and ongoing social ramifications of Hepatitis C and the inadequate response of policy makers to deal with these issues.

Debate ensued.

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

**14 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.

Question—That grievances be noted—put and passed.

**15 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:

5 June 1997—Message—

No. 150—AIDC Sale 1997.

No. 151—

Superannuation Contributions Tax (Application to the Commonwealth) 1997.

Superannuation Contributions Tax (Application to the Commonwealth—Reduction of Benefits) 1997.

Superannuation Contributions Tax (Assessment and Collection) 1997.

Superannuation Contributions Tax (Consequential Amendments) 1997.

Superannuation Contributions Tax Imposition 1997.

Termination Payments Tax (Assessment and Collection) 1997.

Termination Payments Tax Imposition 1997.

**16 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND FUND—PARLIAMENTARY JOINT COMMITTEE—REPORTS**

Mr Entsch (Chair) presented the following papers:

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—Reports and evidence received by the committee—

Reports for 1995-96 prepared pursuant to Part 4A of the *Aboriginal and Torres Strait Islander Commission Act 1989*, June 1997.

National Native Title Tribunal Report for 1995-96, June 1997.

Ordered—That each report be printed.

**17 TAXATION LAWS AMENDMENT BILL (NO. 3) 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, by leave, taken as a whole—

*Paper*

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a replacement supplementary explanatory memorandum to the Bill.

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

*Amendment—*

Item 3, page 13 (line 28), omit “1990-91”, substitute “1992-93”.

*New Parts and new items—*

Page 26 (after line 22), at the end of the Schedule, add:

## **Part 2—Amendment of the Terminations Payments Tax (Assessment and Collection) Act 1997**

### **44 Subsection 7(2)**

After “invalidity payment”, insert “or CGT exempt component”.

## **Part 3—Application**

### **45 Application**

The amendments made by this Schedule apply to disposals of assets on or after 1 July 1997.

Debate continued.

## **18 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 10.59 p.m., adjourned until tomorrow at 2 p.m.

## **PAPERS**

The following papers were deemed to have been presented on 16 June 1997:

Air Navigation Act—Determination 1997 No. S110.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal for the collection of information 1997 No. 9.

Census and Statistics Act—Australian Bureau of Statistics—Statement of disclosure of information 1997 No. 2.

Christmas Island Act—Casino Control Ordinance—Appointment of Casino Controller, 2 June 1997.

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Orders—

Part 105—Amendments 2, 3, 4(5), 5, 10(8) June 1997.

Part 106—Amendments 10(4) June 1997.

Part 107—Amendments 2, 4, 10(3) June 1997.

Exemptions 1997 Nos. CASA 10, 41/FRS, 42/FRS, 43/FRS, 44/FRS.

Currency Act—Determination 1997 No. 3.

Customs Act—Instruments of approval 1997 Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.



Health Insurance Act—Determination 1997 No. HS/1.

International Air Services Commission Act—Instrument 1997 No. M40.

National Health Act—Determinations Nos. 1996-97/ACC7, 1996-97/ACC8.

Safety, Rehabilitation and Compensation Act—Notices 1997 Nos. 2, 3.

Sales Tax Assessment Act—Determination 1997 No. STD 3.

Seat of Government (Administration) Act—Ordinances 1997 Nos. 1, 2.

Therapeutic Goods Act—Therapeutic Goods Orders Nos. 52, 53.



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Adams, Mrs Bailey, Mr P. J. Baldwin, Mr R. C. Baldwin, Mr Dondas, Mr Downer, Mrs Gallus, Mr Marek, Mr Scott, Mr Sercombe, Mr Sharp, Mrs Stone, Mr Tanner and Mr Wilton.



**L. M. BARLIN**

Clerk of the House of Representatives

1996-97

**HOUSE OF REPRESENTATIVES****SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 94

**MAIN COMMITTEE****MINUTES OF PROCEEDINGS**

MONDAY, 16 JUNE 1997

1 The Main Committee met at 8 p.m.

**2 APPROPRIATION BILL (NO. 1) 1997-98—BUDGET DEBATE**

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 G. J. Evans (Deputy Leader of the Opposition), viz.*—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 notes that the Budget:

- (1) does nothing for jobs—the nation’s most overwhelming current economic and social problem;
- (2) squanders, by breaking the promise to introduce superannuation co-contributions, an historic opportunity to build a massive new private savings pool, and does so in a way that undercuts decent retirement incomes for lower and middle income earners;
- (3) continues the assault on families, the elderly and the needy;
- (4) contains many mindless and counter-productive cuts affecting the quality and decency of life in Australia, and harming our international reputation;
- (5) for all its cuts and destructive impact, did not meet the exaggerated expectations the Government had created as to the size of its deficit reduction achievements and projected future surpluses; and
- (6) has been characterised by even the Government’s best friends as lacking in shape, direction and vision”—

Debate resumed.

Mr Hockey 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.

**3 ADJOURNMENT**

On the motion of Mr M. A. J. Vaile, the Main Committee adjourned at 10.15 p.m.

The Deputy Speaker fixed tomorrow at 4.30 p.m. for the next meeting of the Main Committee.



**I. C. HARRIS**

Clerk of the Main Committee