

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 117

THURSDAY, 2 OCTOBER 1997

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

2 **FARM HOUSEHOLD SUPPORT AMENDMENT (RESTART AND EXCEPTIONAL CIRCUMSTANCES) BILL 1997**

Mr Anderson (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend the *Farm Household Support Act 1992*, and for related purposes.

Bill read a first time.

Mr Anderson moved—That the Bill be now read a second time.

Paper

Mr Anderson presented an explanatory memorandum to the Bill.

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

3 **PARLIAMENTARY ZONE—SITE WORKS IN MAGNA CARTA PLACE—APPROVAL OF PROPOSAL**

Mr W. L. Smith (Minister for Sport, Territories and Local Government), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 1 October 1997, namely: Site works in Magna Carta Place.

Question—put and passed.

4 **PARLIAMENTARY ZONE—ADDITIONAL RENOVATIONS TO EAST BLOCK BUILDING—APPROVAL OF PROPOSAL**

Mr W. L. Smith (Minister for Sport, Territories and Local Government), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 1 October 1997, namely: Additional renovations to the East Block Building.

Question—put and passed.

5 CHILD CARE PAYMENTS 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: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Government for its cuts of \$820 million to child care over two budgets, resulting in fee increases of up to \$20 per child per week, lower quality child care, the closure of services and job losses - changes that are forcing some people to stop working, take their children out of child care, or rely on back-yard care;
- (2) calls on the Government to reverse its unfair decisions to cap childcare assistance at 50 hours, and to limit emergency childcare assistance to 4 weeks in any 12 month period;
- (3) deplores the Government’s lack of consultation with the child care industry about implementation of the legislation and its failure to provide adequate information about regulations and guidelines to be made under the Act; and
- (4) condemns the Government’s attempts to rush this legislation through and implement its far-reaching changes by 1 January 1998 thus causing chaos in the child care sector”.

Debate continued.

Debate adjourned (Mrs Bishop—Minister for Defence Industry, Science and Personnel), and the resumption of the debate made an order of the day for the next sitting.

6 BILLS REFERRED TO MAIN COMMITTEE

Mrs Bishop (Minister for Defence Industry, Science and Personnel), by leave, moved—That the following Bills be referred to the Main Committee for further consideration:

Child Care Payments 1997; and

Child Care Payments (Consequential Amendments and Transitional Provisions) 1997.

Question—put and passed.

7 NATIVE TITLE 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—*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:

- (1) native title rights, including on pastoral leases, are fundamental legal property rights, acknowledged and upheld as such by the High Court, and entitled to the same respect and protection as the property rights of non-indigenous Australians: any amendment of the Native Title Act in response to the *Wik* decision or for any other reason must fully reflect that reality;
- (2) it is in the national interest that the Act balance and reconcile to the maximum possible extent the interests and reasonable expectations of both indigenous Australians and other major stakeholders—farmers, miners and Australian taxpayers generally;
- (3) it is both in the national interest, and in the interests of indigenous Australians, farmers and miners, that there be the maximum possible predictability and certainty about the status of the Act and its practical operation;
- (4) there is a need, in particular, to guarantee the constitutional validity of the legislation, by ensuring that legislation operates for the net benefit of indigenous Australians;
- (5) it is also in everyone's interest that the processes established by this legislation to deal with the registration and determination of claims, and the reconciliation of competing interests, be as effective and expeditious as possible;
- (6) there are aspects of the Bill which may advance these objectives, in particular by encouraging and assisting the entering into of agreements, and by setting a stricter regime for the registration of claims; and
- (7) nonetheless, the Bill is seriously deficient, and requires substantial amendment, in many respects, including:
 - (i) the reach of the validation provisions beyond that which is necessary for the practical redress of post-*Wik* problems;
 - (ii) the manifestly unacceptable over-reach of the provisions purporting to confirm the extinguishment of native title where exclusive tenure has previously been involved;
 - (iii) the unnecessarily broad application, in relation to coexistence on pastoral leases, of the statutory authorisation of non-pastoral activities;
 - (iv) the unnecessarily broad application of extinguishment in relation to the provision of government services and public works;
 - (v) the indefensibly limited test for allowing statutory access rights for registered claimants;
 - (vi) the dramatic limitation of the right to negotiate, and in particular its effective elimination in relation to mining on pastoral leases, which (along with the provisions amounting to direct or de facto extinguishment) significantly tilts the balance of the legislation against indigenous Australians;

- (vii) the unacceptable limitation on the effective enjoyment of the right to negotiate which is involved in powers of early ministerial intervention;
- (viii) the absurd and counterproductive sunset clause, which will simply ensure a proliferation of ambit claims under the Act, and the pursuit of future claims through expensive and complex common law processes;
- (ix) the inappropriately rigid and legalistic constraints on Registrars in the management of claims; and
- (x) the inappropriate introduction of formal rules of evidence, and limitations on the extent to which cultural and customary concerns can be taken into account, in the Federal Court claims process”—

Debate resumed.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

8 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw

At 2.20 p.m. the Member for Prospect (Mrs Crosio) was ordered, under standing order 304A, to withdraw from the House for one hour for continuing to interject after a warning had been given from the Chair, and she accordingly withdrew from the Chamber.

Questions without notice continuing—

Papers

Mr Ruddock (Acting Minister for Administrative Services) presented the following papers:

Travelling allowance payments—Copies of—

Car transport—Extract from Senators and Members entitlements.

Definitions—Extract from Senators and Members entitlements.

Extract from office holders entitlements.

Letter from Mr Beazley, Leader of the Opposition to Professor S. F. Harris, President, Remuneration Tribunal, 1 October 1997.

Press release by Mr Beazley, 1 October 1997.

Questions without notice continued.

9 PAPERS

The following papers were presented:

Crimes Act—Controlled operations—1st report, for period 8 July 1996 to 30 June 1997.

Industry Research and Development Act—Industry Research and Development Board—Report for 1996-97.

Veterans' Entitlements Act—Veterans' Review Board—Report for 1996-97.

10 PAPER

The Speaker presented the following paper:

Public Service Act—Department of the House of Representatives—Report for 1996-97.

11 SOUTH PACIFIC FORUM—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr Howard (Prime Minister), by leave, made a ministerial statement concerning his attendance at the 28th South Pacific Forum, and presented the following paper:

South Pacific Forum—28th, Rarotonga, the Cook Islands, 17 to 19 September 1997—Ministerial statement, 2 October 1997.

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

Debate ensued.

Debate adjourned (Mr Ronaldson—Parliamentary Secretary to the Minister for Transport and Regional Development), and the resumption of the debate made an order of the day for the next sitting.

12 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the matter raised on 1 October 1997 by Mr Taylor relating to a letter which Mr Taylor had received concerning treason trials.

The Speaker stated that the law of parliamentary privilege enables the House to protect Members from improper interference with the free performance of their duties as Members. The Speaker quoted from the letter and stated that unfortunately at times Members were subject to such extravagant and irrational representations and concluded that a *prima facie* case of improper interference had been made out and stated that he was willing to allow precedence to a motion on the matter.

Mr Taylor addressed himself to the matter and stated that he did not wish to move a formal motion of reference to the Committee of Privileges.

13 PRIVILEGE—COMPLAINT OF BREACH

Mr Charles (Chair—Standing Committee on Employment, Education and Training) raised, as a matter of privilege, an article in the *Age* of 29 September 1997 which revealed details of the report of the committee on youth employment presented to the House later that day. Mr Charles stated that the committee had considered the matter and resolved that he should report the matter to the House as a *prima facie* case of a breach of parliamentary privilege. Mr Charles further stated that the committee did not consider that the breach

constituted a substantial interference in the work of the committee and therefore did not request the Committee of Privileges to conduct an investigation.

14 PRIVILEGE—COMPLAINT OF BREACH

Mr Hawker (Chair—Standing Committee on Financial Institutions and Public Administration) referred to the matter of privilege raised by him on 30 September 1997 relating to articles in the *Australian* of 26 September 1997 and the *Weekend Australian* of 27 September 1997 which revealed details of the report of the committee on its review of the 1995-96 annual reports of the Reserve Bank of Australia, the Australian Securities Commission and the Insurance and Superannuation Commission presented to the House on 29 September 1997. Mr Hawker informed the House that the committee had examined the matter and was unable to ascertain the source of the disclosure. Mr Hawker further stated that the committee considered that the disclosure did not constitute a substantial interference in the work of the committee and did not seek further action on the matter.

15 PRIVILEGE—COMPLAINT OF BREACH

Mr Melham raised, as a matter of privilege, actions of the Attorney-General in respect of the presentation by the Australian Law Reform Commission of a submission to the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund.

Papers

Mr Melham, by leave, presented the following papers:

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—Submission by the Australian Law Reform Commission—Copies of—

Article published in the *Sydney Morning Herald*, 1 October 1997.

Letters from—

Alan Rose, President, Australian Law Reform Commission, to Mr P. Grundy, Secretary, Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, 17, 19 and 24 September 1997.

Peter Grundy to Alan Rose, 17 September 1997.

Submission by the Australian Law Reform Commission to the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund on the Native Title Amendment Bill 1997—Extract.

Transcripts of—

Interviews with Alan Rose, 29 September 1997—

The World at Noon program, ABC TV.

PM radio program.

Interviews with Daryl Williams—

7.30 Report, ABC TV, 30 September 1997.

PM radio program, 29 September 1997.

Radio National breakfast program, 30 September 1997.

The Speaker stated that he would consider the matter and report to the House at a later time.

16 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ATTORNEY-GENERAL'S ACTIONS

The House was informed that Mr Melham had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Attorney-General's actions in seeking to stop the Australian Law Reform Commission's submission being put before the Joint Parliamentary Committee on Native Title".

The proposed discussion having received the necessary support—

Mr Melham addressed the House.

Discussion ensued.

Discussion concluded.

17 MESSAGES FROM THE SENATE

Messages from the Senate, dated 2 October 1997, were reported:

- (a) returning the Auditor-General Bill 1996 and acquainting the House that the Senate does not insist upon its amendment No. 2 disagreed to by the House—Message No. 333;
- (b) returning the following Bills without amendment:
 Message—
 No. 334—Foreign Affairs and Trade Legislation Amendment 1997.
 No. 335—Family Court of Western Australia (Orders of Registrars) 1997.
 No. 336—National Firearms Program Implementation 1997; and
- (c) advising the House that the Senate had approved the following proposals for works within the Parliamentary Zone:
 - (i) additional external works to the East Block building—Message No. 331;
 - (ii) Magna Carta memorial at the newly created Magna Carta Place—Message No. 332.

18 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—HMAS ALBATROSS STAGE 1 REDEVELOPMENT, NOWRA, NSW

Mr Ruddock (Acting Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: HMAS *Albatross* Stage 1 redevelopment, Nowra, NSW.

Question—put and passed.

19 DEVELOPMENT OF OPERATIONAL FACILITIES AT RAAF BASE LEARMONTH, WA—APPROVAL OF WORK

Mr Ruddock (Acting Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Development of operational facilities at RAAF Base Learmonth, WA.

Question—put and passed.

20 PAPERS

The Deputy Speaker presented the following papers:

Department of the House of Representatives—Senior officer travelling allowance payments, 1996-97—Corrigenda, 2 October 1997.

21 SOCIAL SECURITY LEGISLATION AMENDMENT (PARENTING AND OTHER MEASURES) BILL 1997

Mr Ruddock (Minister representing the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the law relating to social security, and for related purposes.

Bill read a first time.

Mr Ruddock moved—That the Bill be now read a second time.

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

22 SOCIAL SECURITY LEGISLATION AMENDMENT (YOUTH ALLOWANCE) BILL 1997

Mr Ruddock (Minister representing the Minister for Social Security), by leave, presented a Bill for an Act to amend the *Social Security Act 1991*.

Bill read a first time.

Mr Ruddock moved—That the Bill be now read a second time.

Adjournment negatived

It being 5.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Ruddock completed his second reading speech.

Paper

Mr Ruddock presented an explanatory memorandum to the Bill.

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

23 SUPERANNUATION CONTRIBUTIONS TAX (MEMBERS OF CONSTITUTIONALLY PROTECTED SUPERANNUATION FUNDS) ASSESSMENT AND COLLECTION BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), pursuant to notice, presented a Bill for an Act relating to the assessment and collection of superannuation contributions tax on members of constitutionally protected superannuation funds, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the following Bills:

Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection 1997;

Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Imposition 1997;

Superannuation Contributions and Termination Payments Taxes Legislation Amendment 1997;

Superannuation Contributions Tax Imposition Amendment 1997; and

Termination Payments Tax Imposition Amendment 1997.

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

24 SUPERANNUATION CONTRIBUTIONS TAX (MEMBERS OF CONSTITUTIONALLY PROTECTED SUPERANNUATION FUNDS) IMPOSITION BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to impose a superannuation contributions tax on members of constitutionally protected superannuation funds and to declare the rate of the tax.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

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

25 SUPERANNUATION CONTRIBUTIONS AND TERMINATION PAYMENTS TAXES LEGISLATION AMENDMENT BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend various Acts in relation to superannuation contributions taxes and termination payments taxes, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

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

26 SUPERANNUATION CONTRIBUTIONS TAX IMPOSITION AMENDMENT BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the *Superannuation Contributions Tax Imposition Act 1997*, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

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

27 TERMINATION PAYMENTS TAX IMPOSITION AMENDMENT BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the *Termination Payments Tax Imposition Act 1997*, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

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

28 SUPERANNUATION LEGISLATION AMENDMENT (SUPERANNUATION CONTRIBUTIONS TAX) BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), pursuant to notice, presented a Bill for an Act to amend certain Acts dealing with superannuation to provide for the payment of reduced benefits to or in respect of persons on whose surchargeable contributions superannuation contributions surcharge was assessed to be payable, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the Bill.

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

29 PUBLICATIONS COMMITTEE—13TH REPORT

Mr Lieberman (Chair) presented the following paper:

PUBLICATIONS COMMITTEE 13TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered petitions and documents presented to the Parliament since 4 September 1997, recommends that the following be printed:

Audit Act—Australian National Audit Office—Report for 1996-97.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report—Norfolk Island, 1997.

Health Insurance Act—Medical Training Review Panel—Report for the period 14 March to 30 June 1997.

Industry Commission Act—Industry Commission—Report—No. 59—The textiles, clothing and footwear industries, 9 September 1997—

Vol. 1—Report.

Vol. 2—Appendices.

Ombudsman Act—Commonwealth and Defence Force Ombudsman—Report for 1996-97, including a report pursuant to the Complaints (Australian Federal Police) Act.

Social Security Act—Social Security Appeals Tribunal—Report for 1996-97.

War Crimes Act—Report for 1996-97 on the operation of the Act.

LOU LIEBERMAN

Chair

2 October 1997

Mr Lieberman, by leave, moved—That the report be agreed to.

Question—put and passed.

30 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ADJOURNMENT DEBATE

Ms Worth (Parliamentary Secretary to the Minister for Health and Family Services) moved—That so much of the standing and sessional orders be suspended as would prevent a motion being moved forthwith to enable a 30 minute adjournment debate today.

Question—put and passed, with the concurrence of an absolute majority.

31 ADJOURNMENT DEBATE

Ms Worth (Parliamentary Secretary to the Minister for Health and Family Services) moved—That the adjournment debate today proceed for 30 minutes after the motion for the adjournment of the House is moved by a parliamentary secretary.

Question—put and passed.

32 ADJOURNMENT

Ms Worth (Parliamentary Secretary to the Minister for Health and Family Services) moved—That the House do now adjourn.

Debate ensued.

It being 6.18 p.m., the debate was interrupted in accordance with the resolution agreed to this day.

The Deputy Speaker adjourned the House until Monday, 20 October 1997, at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 2 October 1997:

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Instrument 1997 No. CASA 243.

Cocos (Keeling) Islands Act—List of Western Australian Acts for the period 15 March to 12 September 1997.

Export Control Act—Export Control (Orders) Regulations—Export Control Orders 1997 No. 3.

Higher Education Funding Act—Determination 1997 No. T21.

Public Service Act—Determinations 1997 Nos. LES 28, LES 29, SESROB 97, SESROB 98, SESROB 99, SESROB 100, SESROB 101, SESROB 102.

Taxation Administration Act—Determination 1997 No. TD 20.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Andren, Mr K. J. Andrews, Mr Anthony, Mr Downer, Mr Kerr, Mr Latham, Mr Marek, Mr Pyne and Mr A. C. Smith.

I. C. HARRIS

Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 117

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 2 OCTOBER 1997

1 The Main Committee met at 10 a.m.

2 WHEAT MARKETING 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—*And on the amendment moved thereto by Mr O'Keefe, viz.*—That all words after “That” be omitted with a view to substituting the following words: “, noting the representations of a wide number of graingrowers and, in particular the West Australian Graingrowers’ Association and the Australian Grain Industry Taskforce, the House declines to give the bill a second reading pending consideration of the report on the measure by the Senate Rural and Regional Affairs and Transport Legislation Committee, which is due to be presented by 23 October 1997”—

Debate resumed.

Mr Sawford moved—That further proceedings on the Bill be conducted in the House.

Question—put and passed.

3 FAMILY AND COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT ON THE SEMINAR INTO ASPECTS OF YOUTH SUICIDE—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Slipper—That the House take note of the paper (*presented on 2 June 1997*), viz.:

Family and Community Affairs—Standing Committee—Report—Aspects of youth suicide—Summary of a seminar, May 1997—

Debate resumed.

Debate adjourned (Mr M. A. J. Vaile), and the resumption of the debate made an order of the day for the next sitting.

4 ADJOURNMENT

On the motion of Mr M. A. J. Vaile, the Main Committee adjourned at 1.06 p.m.

The Deputy Speaker fixed, Wednesday, 22 October 1997, at 10 a.m. for the next meeting of the Main Committee.



B. C. WRIGHT
Clerk of the Main Committee