

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 127

TUESDAY, 18 NOVEMBER 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 Fischer (Minister for Trade), Mr Downer (Minister for Foreign Affairs) would be Acting Minister for Trade and would answer questions on his behalf.

**3 QUESTIONS**

Questions without notice being asked—

*Member ordered to withdraw*

At 3.27 p.m. the Member for Hunter (Mr Fitzgibbon) was ordered, under standing order 304A, to withdraw from the House for 1 hour for again raising a frivolous point of order.

Mr Fitzgibbon not withdrawing from the Chamber immediately—

*Member named and suspended*

The Speaker named the Member for Hunter.

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

Question—put.

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

## AYES, 85

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

## NOES, 48

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

\* Tellers

And so it was resolved in the affirmative.

The Member was, therefore, suspended at 3.35 p.m. for 24 hours under standing order 305, and he accordingly withdrew from the Chamber.

Questions without notice continued.

#### 4 PRIVILEGE—COMPLAINT OF BREACH

Mr Entsch (Chair—Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund) referred to the matter of privilege raised by him on 28 October 1997 relating to the cases of alleged unauthorised disclosure of information concerning the committee's inquiry into

the Native Title Amendment Bill 1997 and the associated 10th report presented to the House on 27 October 1997. Mr Entsch informed the House that the committee had examined the matter and considered that the disclosures had constituted a substantial interference in the work of the committee and that a *prima facie* case of breach of privilege existed.

#### *Papers*

Mr Entsch presented the following papers:

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—Report on the Native Title Amendment Bill 1997—Unauthorised disclosures of proceedings or documents—Copies of—

Letter from Mr Entsch to the Speaker, 18 November 1997.

Recommendation of the committee.

Wik accord signals Senate impasse—Article published in the *Financial Review*, 25 October 1997.

Wik law to halt work worth millions: report—Article published in the *Canberra Times*, 27 October 1997.

Wik plea falls on deaf ears—Article published in the *Sydney Morning Herald*, 4 November 1997.

Mr Melham addressed the matter raised.

#### *Papers*

Mr Melham presented the following papers:

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Parliamentary Joint Committee—Report on the Native Title Amendment Bill 1997—Unauthorised disclosures of proceedings or documents—Copies of—

Extract from Senate *Hansard*, 27 October 1997.

Labor breaches privilege—Media release by Senator Abetz, 27 October 1997.

Notice of private meeting, 27 October 1997.

Private committee meeting held on 27 October, 5 p.m.—Letter from Steve Curran, Research Officer, Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund to Mr Melham, 28 October 1997.

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

## 5 PAPER

The Speaker presented the following paper:

Department of the House of Representatives—Progress internal audit report—Data matching of travel allowance records processed by the Department of the House of Representatives for the period 1 July 1995 to 30 June 1996.

**6 AUSTRALIAN SECURITY INTELLIGENCE ORGANIZATION—  
PARLIAMENTARY JOINT COMMITTEE**

The House was informed that the Speaker had received advice from Mr Howard (Prime Minister) nominating a Member to be a member of the Parliamentary Joint Committee on the Australian Security Intelligence Organization.

Mr Reith (Leader of the House), by leave, moved—That, in accordance with the provisions of the *Australian Security Intelligence Organization Act 1979*, Mr Jull be appointed a member of the Parliamentary Joint Committee on the Australian Security Intelligence Organization.

Question—put and passed.

**7 PAPERS**

The following papers were presented:

Agriculture and Resource Management Council of Australia and New Zealand—Record and resolutions—

10th meeting, Canberra, 6 June 1997.

11th meeting, Darwin, 8 August 1997.

Australian Horticultural Corporation Act—Australian Horticultural Corporation—Report for 1996-97.

Australian Nuclear Science and Technology Organisation Act—

Australian Nuclear Science and Technology Organisation—Report for 1996-97.

Nuclear Safety Bureau—Report for 1996-97.

Australian Securities Commission Act—

Australian Accounting Standards Board—Report for 1996-97.

Companies and Securities Advisory Committee—Report for 1996-97.

Companies Auditors and Liquidators Disciplinary Board—Report for 1996-97.

Corporations and Securities Panel—Report for 1996-97.

Australian Sports Drug Agency Act—Australian Sports Drug Agency—Operational plan for 1997-98.

Bankruptcy Act—Report for 1996-97.

Corporations and Securities—Parliamentary Joint Committee—Report, November 1996—Draft Second Corporate Law Simplification Bill 1996—Government response.

Governor-General Act—Office of the Official Secretary to the Governor-General—Report for 1996-97.

Industrial Chemicals (Notification and Assessment) Act—National Industrial Chemicals Notification and Assessment Scheme—Report for 1996-97—Erratum.

Native Title Act—National Native Title Tribunal—Report for 1996-97—Addendum.

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

Support for fair trading (Mr P. F. Morris, 60 petitioners).

Request for immediate debate of family law and child support legislation to remove identified injustices (Mrs D. M. Kelly, 191 petitioners).

Request for the provision of a second Medicare Office for Mackay (Mrs D. M. Kelly, 4130 petitioners).

Opposition to the continuation and retention of Essendon airport (Mr K. J. Thomson, 1333 petitioners).

Pharmaceutical Benefits Pricing Authority—Report for 1996-97.

Primary Industries and Energy Research and Development Act—

Cotton Research and Development Corporation and the Cotton Research and Development Corporation Selection Committee—Report for 1996-97.

Sugar Research and Development Corporation and Sugar Research and Development Corporation Selection Committee—Report for 1996-97.

Tobacco Research and Development Corporation—Report for 1996-97.

Refugee Review Tribunal—Report for 1996-97.

Snowy Mountains Hydro-electric Power Act—Snowy Mountains Council—Report for 1996-97.

#### **8 OVERSEAS AID PROGRAM—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS**

Mr Downer (Minister for Foreign Affairs), by leave, made a ministerial statement concerning the future directions for overseas aid and presented the following papers:

Overseas aid program—Better aid for a better future—Ministerial statement, 18 November 1997.

Australia's Development Cooperation Program—7th annual report including the Government's response to the report of the Committee of Review on the Australian Overseas Aid Program, November 1997.

Mr Brereton, by leave, also made a statement with reference to the matter.

Mrs Sullivan (Parliamentary Secretary to the Minister for Foreign Affairs) moved—That the House take note of the papers.

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

#### **9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GREENHOUSE GAS EMISSIONS**

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 reduction by the Government of industry, scientific and environmental programs supportive of efforts to reduce greenhouse gas emissions and the failure to develop a credible international negotiating position for Australia".

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

**10 MESSAGES FROM THE SENATE**

Messages from the Senate were reported:

- (a) acquainting the House that Senator Faulkner had been discharged from attendance on the Joint Committee of Public Accounts, and Senator Crowley had been appointed a member of the committee—18 November 1997—Message No. 374; and
- (b) transmitting a resolution agreed to by the Senate approving, in accordance with section 5 of the *Parliament Act 1974*, the proposal by the National Capital Authority, on behalf of the National Gallery of Australia, for additional external works to the National Gallery extension—18 November 1997—Message No. 375.

**11 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 November 1997.

**12 BILLS REFERRED TO MAIN COMMITTEE**

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

Telecommunications Legislation Amendment 1997; and

Broadcasting Services Amendment (No. 2) 1997.

Question—put and passed.

**13 NATIONAL TRANSMISSION NETWORK SALE 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.

Leave granted for third reading to be moved forthwith.

Mr W. L. Smith (Minister representing the Minister for Communications, the Information Economy and the Arts) moved—That the Bill be now read a third time.

Debate ensued.

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

**14 NATIONAL TRANSMISSION NETWORK SALE (CONSEQUENTIAL AMENDMENTS) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications, the Information Economy and the Arts), the Bill was read a third time.

#### 15 MESSAGE FROM THE SENATE—CHILD CARE PAYMENTS BILL 1997

A message from the Senate was reported returning the following Bill with amendments:

17 November 1997—Message No. 372—Child Care Payments 1997.

Ordered—That the amendments be considered forthwith.

#### SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 8, page 14 (line 16), omit all words after “if”, substitute “the person’s objection is based on a personal, philosophical, religious or medical belief involving a conviction that vaccination under the latest edition of the Standard Vaccination Schedule should not take place.”.
- (2) Clause 12, page 18 (line 20), omit “(2) and (3)”, substitute “(2), (3) and (4)”.
- (3) Clause 12, page 19 (after line 6), at the end of the clause, add:
  - (4) The payment commencement date will not be earlier than 27 April 1998.
- (4) Clause 22, page 26 (line 18), at the end of the clause, add:
  - ; or (g) a recognised immunisation provider has certified in writing that the vaccine for immunising the child is not, or will not be, available immediately before or during a session of care in respect of which a claim would otherwise be payable.
- (5) Clause 22, page 26 (line 18), at the end of the clause, add:
  - ; or (h) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.
- (6) Clause 23, page 27 (line 19), at the end of subclause (1), add:
  - ; or (e) a recognised immunisation provider has certified in writing that the vaccine for immunising the child was not available immediately before or during the session of care for which a claim has been made.
- (7) Clause 23, page 27 (line 19), at the end of subclause (1), add:
  - ; or (f) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.
- (8) Clause 23, page 27 (line 32), omit “(d)”, substitute “(f)”.
- (9) Clause 37, page 36 (line 18), omit “13 weeks”, substitute “26 weeks”.
- (10) Clause 43, page 38 (lines 14 and 15), omit the note, substitute:

Note: The alternatives to immunisation are set out in paragraphs 22(d) to (h).

- (11) Clause 70, page 53 (lines 16 and 17), omit the note, substitute:

Note: The alternatives to immunisation are set out in paragraphs 22(d) to (h).

- (12) Clause 73, page 56 (line 8), omit the penalty, substitute:

Penalty: 30 penalty units.

- (13) Clause 74, page 57 (line 9), omit the penalty, substitute:

Penalty: 30 penalty units.

- (14) Clause 75, page 58 (line 14), omit the penalty, substitute:

Penalty: 30 penalty units.

- (15) Clause 80, page 64 (line 24), at the end of the clause, add:

; or (g) a recognised immunisation provider has certified in writing that the vaccine for immunising the child is not available immediately before or during a session of care in respect of which a claim would otherwise be payable.

- (16) Clause 80, page 64 (line 24), at the end of the clause, add:

; or (h) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.

- (17) Clause 81, page 65 (line 26), at the end of subclause (1), add:

; or (e) a recognised immunisation provider has certified in writing that the vaccine for immunising the child was not available immediately before or during the session of care for which a claim has been made.

- (18) Clause 81, page 65 (line 26), at the end of subclause (1), add:

; or (f) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.

- (19) Clause 81, page 66 (line 7), omit "(d)", substitute "(f)".

- (20) Clause 90, page 71 (line 18), omit "13 weeks", substitute "26 weeks".

- (21) Clause 96, page 73 (lines 13 and 14), omit the note, substitute:

Note: The alternatives to immunisation are set out in paragraphs 80(d) to (h).

- (22) Clause 122, page 87 (line 15), omit "80(1)(d) to (f)", substitute "80(d) to (h)".

- (23) Clause 125, page 90 (line 8), omit the penalty, substitute:



Penalty: 30 penalty units.

- (24) Clause 126, page 91 (line 9), omit the penalty, substitute:

Penalty: 30 penalty units.

- (25) Clause 127, page 92 (line 14), omit the penalty, substitute:

Penalty: 30 penalty units.

- (26) Clause 145, page 109 (lines 19 and 20), omit subclause (3).

- (27) Clause 146, page 110 (lines 8 to 10), omit subclause (3), substitute:

- (3) Subject to subsection (3A), the maximum amount by which each payment of the person's \*child care payment may be reduced is worked out as follows:

Amount of payment  $\times$  0.14

- (3A) If a person makes a request in writing to the Secretary for a higher or lower rate of reduction, the Secretary may decide the amount by which each payment of the person's \*child care payment is to be reduced, and, if requested by the person, may vary the amount from time to time.

- (28) Clause 147, page 111 (lines 16 to 18), omit subclause (3), substitute:

- (3) Subject to subsection (3A), the maximum amount by which each \*group payment made to an operator may be reduced is worked out as follows:

Amount of payment  $\times$  0.14

- (3A) If an operator makes a request in writing to the Secretary for a higher or lower rate of reduction, the Secretary may decide the amount by which each \*group payment is to be reduced, and, if requested by the operator, may vary the amount from time to time.

- (29) Clause 200, page 145 (after line 15), at the end of the clause, add:

- (5) A determination under this section is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

- (30) Clause 221, page 158 (line 24), omit the penalty, substitute:

Penalty: 60 penalty units.

- (31) Clause 222, page 160 (line 3), omit the penalty, substitute:

Penalty: 60 penalty units.

- (32) Clause 223, page 161 (line 11), omit the penalty, substitute:

Penalty: 60 penalty units.

- (33) Clause 225, page 164 (line 7), omit the penalty, substitute:

Penalty: 60 penalty units.

On the motion of Mr W. L. Smith (Minister for Family Services), the amendments were agreed to, after debate.

#### 16 MESSAGE FROM THE SENATE

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

17 November 1997—Message No. 373—Child Care Payments (Consequential Amendments and Transitional Provisions) 1997.

#### 17 MIGRATION LEGISLATION AMENDMENT (STRENGTHENING OF PROVISIONS RELATING TO CHARACTER AND CONDUCT) 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.

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr M. J. Ferguson, by leave, moved the following amendments together:

Schedule 1—

Item 21, page 7 (lines 19 to 24), omit proposed subsection 500 (6D).

Item 21, page 10 (line 4), omit “42 days”, substitute “90 days”.

Item 23, page 11 (line 3), omit:

*“Decision of Minister—natural justice does not apply”*

Item 23, page 11 (lines 14 to 16), omit proposed subsection 501 (5).

Item 23, page 14 (line 30), omit the heading to proposed subsection 501A(3).

Item 23, page 15 (lines 8 to 10), omit proposed subsection 501A(4).

Debate continued.

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#### 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 11 p.m., adjourned until tomorrow at 9.30 a.m.

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**PAPERS**

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

Agricultural and Veterinary Chemicals (Administration) Act—Regulations—Statutory Rules 1997 No. 320.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part 43—Amendment 17 November 1997.

Part 100—Amendment 13 November 1997.

Customs Act—Regulations—Statutory Rules 1997 No. 317.

Family Law Act—Regulations—Statutory Rules 1997 No. 315.

Health Insurance Act—Regulations—Statutory Rules 1997 No. 319.

Higher Education Funding Act—Guidelines 1997 No. T25.

Imported Food Control Act—Regulations—Statutory Rules 1997 No. 321.

Jury Exemption Act—Regulations—Statutory Rules 1997 No. 316.

Parliamentary Entitlements Act—Regulations—Statutory Rules 1997 No. 318.

Public Service Act—Determinations 1997 Nos. 30, 31.

Sydney Airport Curfew Act—Dispensation 1997 No. 12.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mrs Bailey, Mr Fischer, Ms Gambaro, Mr Lindsay, Mr Sharp, Mr Somlyay, Mr Willis and Dr Wooldridge.

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**I. C. HARRIS**

Clerk of the House of Representatives