

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 135

TUESDAY, 2 DECEMBER 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 **AUSTRALIA'S STRATEGIC POLICY—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS**

Mr McLachlan (Minister for Defence), by leave, made a ministerial statement concerning Australia's strategic policy and presented the following papers:

Australia's strategic policy—

Ministerial statement, 2 December 1997.

Report, December 1997.

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

Mr Cadman (Parliamentary Secretary to the Minister for Workplace Relations and Small Business) moved—That the House take note of the papers.

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

3 **TRADE PRACTICES AMENDMENT (FAIR TRADING) 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 Martin, 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:

- (1) is of the opinion that the Government's response to the report of the Standing Committee on Industry, Science and Technology entitled 'Finding a balance: Towards fair trading in Australia' does not reflect the intent or recommendations of the Committee;
- (2) recommends the Bill be amended to incorporate the recommendations of the Committee;

- (3) considers the Government's response is inadequate and its rhetoric does not match either its election commitments or the committee's findings; and
- (4) calls on the Government members of the Committee, namely the honourable Members for Bendigo, McEwen, Paterson, Cowan, Mallee, Petrie, Canning, Aston and Lowe to support the Opposition's amendments which reflect the recommendations in the Committee's report"—

Debate resumed.

It being 3 p.m., the debate was interrupted in accordance with the resolution agreed to on 1 December 1997, and the resumption of the debate made an order of the day for a later hour this day.

4 MINISTERIAL ARRANGEMENTS

Mr Howard (Prime Minister) informed the House that, during the absence abroad of Mr Downer (Minister for Foreign Affairs), Mr Fischer (Minister for Trade) would be Acting Minister for Foreign Affairs and would answer questions on his behalf.

5 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw

At 3.47 p.m. the Member for Hotham (Mr Crean) 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 he accordingly withdrew from the Chamber.

Questions without notice continuing—

Member ordered to withdraw

At 4.07 p.m. the Member for O'Connor (Mr Tuckey) 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 he accordingly withdrew from the Chamber.

Questions without notice continued.

6 AUDITOR-GENERAL'S REPORT

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 16 of 1997-98—Performance audit—Equity in employment in the Australian Public Service: PSMPC and other agencies.

Ordered to be printed.

7 PAPERS

The following papers were presented:

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commercial Development Corporation—Report for 1996-97.

Aboriginal Deaths in Custody—Royal Commission—Implementation of the Commonwealth Government responses to the recommendations of the Royal Commission—Report for 1996-97—

Volume 1—Trends in Aboriginal and Torres Strait Islander deaths in custody and incarceration.

Volume 2—Policy and programs: Addressing disadvantage.

Volume 3—Breaking the cycle: The criminal justice system.

Australian National Railways Commission Act—Australian National Railways Commission (Australian National)—Report for 1996-97.

Australian Security Intelligence Organization Act—Australian Security Intelligence Organization—Report for 1996-97.

Certain Family Law Issues—Joint Select Committee—Report, November 1994—Child support scheme: An examination of the operation and effectiveness of the scheme—Government response, November 1997.

Classification (Publications, Films and Computer Games) Act—Classification Board and Classification Review Board—Report for 1996-97—Errata.

Commissioner for Superannuation—Report, incorporating a report on the administration and operation of the Papua New Guinea (Staffing Assistance) Act, for 1996-97—Corrigenda.

Corporations and Securities—Parliamentary Joint Committee—Report, June 1997—Annual reports of the Australian Securities Commission and other bodies for 1995-96—Government response.

Data-matching Program (Assistance and Tax) Act—Data-matching program—Department of Veterans' Affairs—Report for 1996-97.

Department of Immigration and Multicultural Affairs—Access and equity report for 1997.

Environment, Recreation and the Arts—Standing Committee—Report, 15 January 1993—Biodiversity: The role of protected areas—Government response.

Federal Airports Corporation Act—Federal Airports Corporation—Report for 1996-97.

Federal Court of Australia Act—Federal Court of Australia—Report for 1996-97.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report, December 1996—Implications of Australia's services exports to Indonesia and Hong Kong—Government response, November 1997.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Inquiry into complaints of discrimination in employment and occupation—Report No. 2—Redundancy arrangements and age discrimination.

Landcare Australia Limited—8th report, for 1996-97.

National Crime Authority Act—National Crime Authority—Report for 1996-97.

Attachment to the report—Correspondence relating to the Intergovernmental Committee of the National Crime Authority.

National Procurement Board—Report for period 1 January 1996 to 30 June 1997.

Pooled Development Funds Act—PDF Registration Board—Report for 1996-97.

Primary Industries and Energy Research and Development Act—Dried Fruits Research and Development Council—Report for 1996-97.

Telecommunications Act 1991—Australian Competition and Consumer Commission—Competitive safeguards and carrier performance—Report for 1996-97.

8 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian National Railways Commission Act—Australian National Railways Commission (Australian National)—Report for 1996-97.

Federal Airports Corporation Act—Federal Airports Corporation—Report for 1996-97.

Pooled Development Funds Act—PDF Registration Board—Report for 1996-97.

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

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AGED CARE AND HEALTH FUNDING

The House was informed that Ms Macklin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The deleterious effect on older Australians of the Government’s cuts to aged care and health funding, frequent and contradictory policy changes and a continuing refusal to adequately explain those changes”.

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Discussion concluded.

10 MESSAGE FROM THE SENATE

Message No. 404, 2 December 1997, from the Senate was reported transmitting a resolution agreed to by the Senate approving, in accordance with section 5 of the *Parliament Act 1974*, the proposal for minor refurbishment works to Old Parliament House.

11 MESSAGE FROM THE SENATE—SUPERANNUATION CONTRIBUTIONS AND TERMINATION PAYMENTS TAXES LEGISLATION AMENDMENT BILL 1997

Message No. 403, 1 December 1997, from the Senate was reported returning the Superannuation Contributions and Termination Payments Taxes Legislation Amendment Bill 1997 and acquainting the House that the Senate insists upon its amendment No. 7 disagreed to by the House of Representatives and desires the reconsideration of the Bill by the House in respect of the amendment.

Ordered—That consideration of the message be made an order of the day for the next sitting.

12 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, 2 March 1998.

13 PUBLICATIONS—JOINT COMMITTEE—REPORT

Mr Lieberman presented the following paper:

Publications—Joint Committee—Report—Future of the Parliamentary Papers Series, December 1997.

14 MATTERS REFERRED TO MAIN COMMITTEE

Mr J. N. Andrew (Chief Government Whip), pursuant to notice, moved—That:

- (1) the following order of the day, government business, be referred to the Main Committee for debate: Local Government (Financial Assistance) Act—Report—Motion to take note of paper: Resumption of debate; and
- (2) the following order of the day, committee and delegation reports, be referred to the Main Committee for debate: Communications, Transport and Microeconomic Reform—Standing Committee—Report on review of federal road funding—Motion to take note of paper: Resumption of debate.

Question—put and passed.

15 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS) BILL 1997

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

1 December 1997—Message No. 399—Migration Legislation Amendment (Migration Agents) 1997.

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, item 32, page 8 (line 21), omit “10 days”, substitute “30 days”.
- (2) Schedule 1, item 32, page 8 (line 22), omit “10 days”, substitute “30 days”.

- (3) Schedule 1, item 61, page 20 (after line 3), after section 321, insert:

322 Annual report

- (1) If an appointment of the Institute under section 315 is in force at the end of a financial year, the Institute must give a report on the administration of this Part during the financial year to the Minister for presentation to the Parliament.

Note: Section 34C of the *Acts Interpretation Act 1901* explains when the Institute must give the report to the Minister, and when the Minister must cause the report to be tabled in each House of the Parliament.

- (2) If an appointment of the Institute under section 315 is not in force at the end of the financial year, the Minister must cause to be tabled in each House of the Parliament a report on the administration of this Part during the financial year, before the end of the 15th sitting day of that House after the 31 December immediately following the financial year.

- (4) Schedule 1, Part 2, page 27 (after line 14), at the end of the Part, add:

79A First report under section 322

The report under section 322 relating to the financial year ending at the end of 30 June 1998 is to cover the administration of Part 3 of the *Migration Act 1958* only for the period from 21 March 1998 to 30 June 1998 (inclusive).

79B Final report

- (1) If an appointment of the Institute under section 315 of the *Migration Act 1958* is in force immediately before the day (the *sunset day*) that Part 3 of that Act ceases to be in force because of section 333 of that Act, the Institute must give to the Minister for presentation to the Parliament a report on the administration of that Part during the period:
- (a) starting on the last 1 July before the sunset day; and
 - (b) ending immediately before the sunset day.
- (2) The Institute must give the Minister the report within 42 days after the sunset day.
- (3) The Minister must cause the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day he or she receives the report.
- (4) If an appointment of the Institute under section 315 of the *Migration Act 1958* is not in force immediately before the sunset day, the Minister must cause to be tabled in each House of the Parliament a report on the administration of Part 3 of that Act during the period:
- (a) starting on the last 1 July before the sunset day; and
 - (b) ending immediately before the sunset day.

- (5) The Minister must cause the report to be tabled in each House of the Parliament under subitem (4) before the end of the 15th sitting day of that House after the end of the 42nd day after the sunset day.

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), the amendments were agreed to, after debate.

16 TRADE PRACTICES AMENDMENT (FAIR TRADING) 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 Martin, 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:

- (1) is of the opinion that the Government’s response to the report of the Standing Committee on Industry, Science and Technology entitled ‘Finding a balance: Towards fair trading in Australia’ does not reflect the intent or recommendations of the Committee;
- (2) recommends the Bill be amended to incorporate the recommendations of the Committee;
- (3) considers the Government’s response is inadequate and its rhetoric does not match either its election commitments or the committee’s findings; and
- (4) calls on the Government members of the Committee, namely the honourable Members for Bendigo, McEwen, Paterson, Cowan, Mallee, Petrie, Canning, Aston and Lowe to support the Opposition’s amendments which reflect the recommendations in the Committee’s report”—

Debate resumed.

17 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 10.58 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

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

Civil Aviation Act—Civil Aviation Regulations—Instrument 1997 No. CASA 288.

Currency Act—Determination 1997 No. 7.

Migration Act—Notice under section 502 5 November 1997.

Telecommunications Act 1991—Determination 20 November 1997.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anderson, Mrs Bishop, Mr Costello, Mr Downer, Mr E. L. Grace, Mr Lindsay, Mr Mossfield and Mr O'Connor.

I. C. HARRIS

Clerk of the House of Representatives