

1996-97-98

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 158

WEDNESDAY, 13 MAY 1998

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

2 **DATA-MATCHING PROGRAM (ASSISTANCE AND TAX) AMENDMENT BILL 1998**

Mr Ruddock (Minister representing the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the *Data-matching Program (Assistance and Tax) Act 1990*, 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.

3 **COMMONWEALTH REHABILITATION SERVICE REFORM BILL 1998**

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 condemns the Government for:

- (1) cutting the budget for income support and services for people with disabilities by over \$300 million over the last two budgets;
- (2) failing to negotiate disability agreements with the States and Territories since the previous agreements expired in June 1997;
- (3) failing to improve the employment prospects of people with a disability by abolishing the Disability Review Panels;

- (4) planning to partially privatise the Commonwealth Rehabilitation Service, thereby jeopardising the 160 Commonwealth Rehabilitation Service outlets, many of which are located in rural and remote areas;
- (5) severely weakening the Disability Services Act by repealing Part III of that Act;
- (6) putting key decisions regarding the provision of rehabilitation services into the hands of the corporatised CRS and other service providers without maintaining the current legislative scheme for regulating those decisions;
- (7) removing the right of people using the Commonwealth Rehabilitation Service to seek review of decisions made under the Disability Services Act to the Administrative Appeals Tribunal; and
- (8) placing in doubt the entitlement of rehabilitation service recipients to the training allowance currently payable under the Disability Services Act.”

Debate continued.

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

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

AYES, 80

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

NOES, 43

Mr Adams	Mr M. J. Evans	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr L. D. T. Ferguson	Mr Lee	Mr Quick
Mr P. J. Baldwin	Mr M. J. Ferguson	Mr McClelland	Mr Sawford*
Mr Beddall	Mr Fitzgibbon	Ms Macklin	Mr Sercombe*
Mr Bevis	Mr Griffin*	Mr McLeay	Mr S. F. Smith
Mr Brereton	Mr Hatton	Mr Martin	Mr Tanner
Mr Brown	Mr Holding	Mr Melham	Dr Theophanous
Mr Crean	Mr Hollis	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	

* Tellers

And so it was resolved in the affirmative.

Debate continued 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 Ms Worth (Parliamentary Secretary to the Minister for Health and Family Services), the Bill was read a third time.

4 SUPERANNUATION LEGISLATION (COMMONWEALTH EMPLOYMENT) REPEAL AND 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 by Mr K. J. Thomson who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House condemns the Howard Government for introducing the Bill which is a clear breach of the Prime Minister’s pre-1996 election promise that the Coalition would not cut and destroy public sector superannuation schemes or the entitlements of existing and prospective Commonwealth Government employees”.

Debate continued.

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

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

AYES, 84

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

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 Griffin*	Mr McLeay	Mr Sercombe*
Mr Bevis	Mr Hatton	Mr McMullan	Mr S. F. Smith
Mr Breerton	Mr Holding	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.

Mr K. J. Thomson, by leave, moved Opposition amendments (1) to (9) as circulated, together.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 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 Griffin*	Mr McLeay	Mr Sercombe*
Mr Bevis	Mr Hatton	Mr McMullan	Mr S. F. Smith
Mr Brereton	Mr Holding	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	

NOES, 82

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

* Tellers

And so it was negatived.

Mr Fahey (Minister for Finance and Administration), by leave, moved Government amendments (1) to (16) as circulated, together.

Debate continued.

Paper

Mr Fahey presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Fahey, by leave, the Bill was read a third time.

5 COMMONWEALTH SUPERANNUATION BOARD 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.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Fahey (Minister for Finance and Administration), by leave, moved Government amendments (1) to (25) as circulated, together.

Paper

Mr Fahey presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Fahey, by leave, the Bill was read a third time.

6 SUPERANNUATION LEGISLATION (COMMONWEALTH EMPLOYMENT—SAVING AND TRANSITIONAL PROVISIONS) 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.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Fahey (Minister for Finance and Administration), by leave, moved Government amendments (1) to (12) as circulated, together.

Paper

Mr Fahey presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Fahey, by leave, the Bill was read a third time.

7 STEVEDORING LEVY (COLLECTION) BILL 1998

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 Tanner who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House declines to give the Bill a second reading because the government’s proposals in their present form contain major defects, in particular:

- (1) they fail to ensure payments are not to be made, either directly or indirectly, for redundancies of people dismissed unlawfully;

- (2) they fail to ensure that payments are not to be made, either directly or indirectly for redundancies of people whose employment is terminated in a way which is inconsistent with the provisions of the Stevedoring Industry Award or other industrial agreements;
- (3) they fail to ensure that payments are not to be made, either directly or indirectly, for redundancies of people whose employment is terminated as a result of artificial corporate restructuring designed to enable employers to avoid their legal responsibilities to their employees;
- (4) they fail to ensure that payments under the proposals are neither directly nor indirectly a substitute for appropriate redundancy provisions by employers of stevedoring labour;
- (5) they fail to ensure that no levies are place on stevedoring companies who do not wish to access payments made under any scheme related to the package;
- (6) there is no provision to ensure that no levies are placed on cargo and vehicles not handled by major stevedoring service providers or cargo or vehicles handled for official purposes;
- (7) there is no means by which Parliament can properly scrutinise payments made under the scheme and, in particular, there is no effective Parliamentary oversight of the Maritime Industry Finance Company; and
- (8) there is no guarantee that trade on Bass Strait will not be adversely affected”.

Message from the Governor-General

Message No. 273, 8 December 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Commonwealth Superannuation Board Bill 1997.

Debate continued.

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 were asked.

9 PAPERS

The following papers were presented:

Aboriginal Land Rights (Northern Territory) Act—Aboriginal Land Commissioner—Report for 1996-97 and the period 1 July to 24 October 1997.

Australia-India Council—Report for 1996-97.

Council for Aboriginal Reconciliation Act—Council for Aboriginal Reconciliation—Strategic plan for July 1998 to December 2000.

Organisation for Economic Co-operation and Development—Environmental performance reviews of Australia, together with statement by the Minister for the Environment.

Torres Strait Fisheries Act—Protected Zone Joint Authority—Reports for—1995-96.
1996-97.

Treaty—*Multilateral with national interest analysis*—Comprehensive Nuclear Test-Ban Treaty, done at New York on 10 September 1996.

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BUDGET

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 failure of the Budget to address unemployment and reverse the pain inflicted unnecessarily on Australian families”.

The proposed discussion having received the necessary support—

Mr G. J. Evans addressed the House.

Discussion ensued.

Discussion concluded.

11 SUSPENSION OF STANDING ORDER 48A

Dr Wooldridge (Minister for Health and Family Services), by leave, moved—That standing order 48A (adjournment and next meeting) be suspended for the sitting on Thursday, 14 May 1998.

Question—put and passed.

12 CHILD SUPPORT LEGISLATION AMENDMENT BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had resolved that further proceedings on the Bill be conducted in the House, and presented a certified copy of the Bill.

Ordered—That further proceedings on the Bill be made an order of the day for the next sitting.

13 NATIONAL ROAD TRANSPORT COMMISSION AMENDMENT BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Dr Wooldridge (Minister for Health and Family Services), by leave, the Bill was read a third time.

14 AUSTRALIAN SCIENCE, TECHNOLOGY AND ENGINEERING COUNCIL REPEAL BILL 1998—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Dr Wooldridge (Minister for Health and Family Services), by leave, the Bill was read a third time.

15 MESSAGE FROM THE SENATE—GOVERNMENT'S ROLE IN WATERFRONT DISPUTE

Message No. 479, 12 May 1998, from the Senate was reported acquainting the House that the Senate had agreed to a resolution concerning the Government's role in the waterfront dispute and requesting the concurrence of the House.

Ordered—That the message be considered at the next sitting.

16 STEVEDORING LEVY (COLLECTION) BILL 1998

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 Tanner, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House declines to give the Bill a second reading because the government's proposals in their present form contain major defects, in particular:

- (1) they fail to ensure payments are not to be made, either directly or indirectly, for redundancies of people dismissed unlawfully;
- (2) they fail to ensure that payments are not to be made, either directly or indirectly for redundancies of people whose employment is terminated in a way which is inconsistent with the provisions of the Stevedoring Industry Award or other industrial agreements;
- (3) they fail to ensure that payments are not to be made, either directly or indirectly, for redundancies of people whose employment is terminated as a result of artificial corporate restructuring designed to enable employers to avoid their legal responsibilities to their employees;
- (4) they fail to ensure that payments under the proposals are neither directly nor indirectly a substitute for appropriate redundancy provisions by employers of stevedoring labour;
- (5) they fail to ensure that no levies are place on stevedoring companies who do not wish to access payments made under any scheme related to the package;
- (6) there is no provision to ensure that no levies are placed on cargo and vehicles not handled by major stevedoring service providers or cargo or vehicles handled for official purposes;

- (7) there is no means by which Parliament can properly scrutinise payments made under the scheme and, in particular, there is no effective Parliamentary oversight of the Maritime Industry Finance Company; and
- (8) there is no guarantee that trade on Bass Strait will not be adversely affected”—

Debate resumed.

Mr Wakelin addressing the House—

17 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 13 May 1998:

Child Care Act—

Determination 1998 Child Care (High Need Regions).

Guidelines 1998 Child Care (Eligibility—New Allocations).

Defence Act—Determinations 1998 Nos. 18, 19.

Migration Act—Statement under section 351.

Sydney Airport Curfew Act—Dispensation 1998 No. 2.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr E. L. Grace, Ms Hanson and Mrs Sullivan.

I. C. HARRIS

Clerk of the House of Representatives

1996-97-98

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 158

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 13 MAY 1998

1 The Main Committee met at 10 a.m.

2 CHILD SUPPORT LEGISLATION AMENDMENT BILL 1998

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.

Suspension of sitting

At 10.21 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 10.31 a.m., the proceedings were resumed.

Debate continued.

On the motion of Mr Sercombe, further proceedings to be conducted in the House.

3 NATIONAL ROAD TRANSPORT COMMISSION AMENDMENT BILL 1998

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.

Suspension of sitting

At 11.54 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.06 p.m., the proceedings were resumed.

Debate continued.

Mr Bevis, who had already spoken, by leave, again addressed the Main Committee.

Suspension of sitting

At 12.11 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.23 p.m., the proceedings were resumed.

Debate continued.

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

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 AUSTRALIAN SCIENCE, TECHNOLOGY AND ENGINEERING COUNCIL
REPEAL BILL 1998**

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 the question on the report to be put forthwith.

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

5 ADJOURNMENT

On the motion of Mr Truss (Minister for Customs and Consumer Affairs), the Main Committee adjourned at 12.57 p.m.

The Deputy Speaker fixed tomorrow at 9.40 a.m. for the next meeting of the Main Committee.

B. C. WRIGHT
Clerk of the Main Committee