

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 25

WEDNESDAY, 17 OCTOBER 1990

- 1 The House met, at 10 a.m., pursuant to adjournment. The Acting Speaker (Mr R. F. Edwards) took the Chair, and read Prayers.
- 2 **EXCISE TARIFF AMENDMENT BILL 1990:** 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.
 The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr T. A. Fischer (Leader of the National Party of Australia), by leave, moved the following amendments together:

Clause 2, pages 1 and 2, omit the clause, substitute the following clause:
Commencement

“2. (1) Sections 1 and 2 and paragraphs 3 (a), (b) and (d) commence on the day this Act receives the Royal Assent.

“(2) Paragraph 3 (c) and sections 4 to 8 and 10 commence on the first day of the month after the day on which this Act receives the Royal Assent.

“(3) Section 9 is taken to have commenced on 1 April 1990.”

Clause 4, page 3, paragraph (e), line 23, omit “31 December 1987”, substitute “the last day of the month in which this Act receives the Royal Assent”.

Clause 10, page 5, line 25, omit “31 December 1987”, substitute “the last day of the month in which this Act receives the Royal Assent”.

Debate continued.

Question—That the amendments be agreed to—put.

The committee divided (the Deputy Chairman, Mr MacKellar, in the Chair)—

AYES, 58

| | | | |
|--------------|------------------|--------------|----------------|
| Mr Aldred | Mr Cowan | Mr Jull | Mr Ronaldson |
| Mr Anderson | Mr Dobie | Dr Kemp | Mr Ruddock |
| Mr Andrew* | Mr Downer | Mr Lloyd | Mr B. C. Scott |
| Mr Atkinson | Dr H. R. Edwards | Mr McArthur | Mr Shack |
| Mrs Bailey | Mr Fife | Mr McGauran | Mr Sharp |
| Mr Beale | Mr Filing | Mr McLachlan | Mr Smith |
| Mr Bradford | Mr T. A. Fischer | Mr Moore | Mr Somlyay |
| Mr Broadbent | Mr P. S. Fisher | Mr Nehl | Mr Truss |
| Mr Cadman | Mr Ford | Mr Nugent | Mr Tuckey |
| Mr Carlton | Mrs Gallus | Mr Peacock | Mr Webster |
| Mr Chaney | Mr Hall | Mr Prosser | Mr Wilson |
| Mr Charles | Mr Halverson | Mr Reid | Dr R. L. Woods |
| Mr Cobb | Mr Hawker | Mr Reith | Dr Wooldridge |
| Mr Connolly | Mr Hicks* | Mr Riggall | |
| Mr Costello | Mr Howard | Mr Rocher | |

NOES, 68

| | | | |
|-----------------|--------------|-----------------|----------------|
| Mr Baldwin | Mr Dubois | Mr Jenkins | Mr Punch |
| Mr Beazley | Mr Duffy | Mr Johns | Mr Sawford |
| Mr Beddall | Mr Duncan | Mrs Kelly | Mr Scholes |
| Mr Bevis | Mr Elliott | Mr Kerin | Mr Sciacca |
| Mr Bilney | Ms Fatin | Mr Kerr | Mr J. L. Scott |
| Dr Blewett | Mr Ferguson | Mr Langmore | Mr L. J. Scott |
| Mr Brereton | Mr Free | Mr Lavarch | Mr Simmons |
| Mr R. J. Brown | Mr Gayler | Mr Lindsay | Mr Snow |
| Mr Campbell | Mr Gear* | Mr Mack | Mr Snowdon |
| Dr Catley | Mr Gibson | Mr Martin | Mr Staples |
| Dr Charlesworth | Mr Grace* | Mr Melham | Dr Theophanous |
| Mr Courtice | Mr Griffiths | Mr A. A. Morris | Mr Tickner |
| Ms Crawford | Mr Hand | Mr P. F. Morris | Mr Walker |
| Mr Crean | Mr Howe | Mr Newell | Mr West |
| Mrs Crosio | Mr Hulls | Mr O'Keefe | Mr Willis |
| Mrs Darling | Mr Humphreys | Mr O'Neil | Mr H. F. Woods |
| Mr Dawkins | Mrs Jakobsen | Mr Price | Mr Wright |

* Tellers

And so it was negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr MacKellar reported accordingly.

On the motion of Mr Beddall (Minister for Small Business and Customs), the House adopted the report, and, by leave, the Bill was read a third time.

- 3 **PETROLEUM EXCISE (PRICES) AMENDMENT BILL 1990:** 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.
The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr T. A. Fischer (Leader of the National Party of Australia), by leave, moved the following amendments together:

Clause 2, page 1, omit the clause, substitute the following clause:

Commencement

“2. This Act commences on the day on which it receives the Royal Assent.”.

Clause 3—

Page 3, line 2, omit “31 December 1987”, substitute “the last day of the month in which this Act receives the Royal Assent”.

Page 3, line 6, omit “1 January 1988”, substitute “the first day of the month after the day on which this Act receives the Royal Assent”.

Page 3, lines 10 and 11, omit “1 January 1988”, substitute “the first day of the month after the day on which this Act receives the Royal Assent”.

Page 3, line 17, omit “1 January 1988”, substitute “the first day of the month after the day on which this Act receives the Royal Assent”.

Page 3, line 20, omit “31 December 1987”, substitute “the last day of the month in which this Act receives the Royal Assent”.

Page 3, line 31, omit “1 January 1988”, substitute “the first day of the month after the day on which this Act receives the Royal Assent”.

Debate continued.

Amendments negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr MacKellar reported accordingly.

On the motion of Mr Beddall (Minister for Small Business and Customs), the House adopted the report, and, by leave, the Bill was read a third time.

4 QUESTIONS: Questions without notice were asked.

5 PAPERS: The following papers were presented:

Archives Act—

Advisory Council on Australian Archives—Report, including freedom of information statement, for 1989-90.

Australian Archives—Report, including freedom of information statement, for 1989-90.

Audit Act—Defence Science and Technology Organisation Commercial Activities Trust Account—Financial statements, including the Auditor-General's Report, for 1988-89.

Australian Wine and Brandy Corporation Act—Australian Wine and Brandy Corporation—9th Report and financial statements, including the Auditor-General's Report, for 1989-90.

Child Support Evaluation Advisory Group—Report—The Child Support Scheme: Adequacy of child support and coverage of the sole parent pensioner population.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report—Issues in fiscal equalisation, 1990—

Volume I—Main report.

Volume II—Appendixes and consultant's report.

Federal Court of Australia Act—Federal Court of Australia—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1989-90.

Medical Research Endowment Act—National Health and Medical Research Council—Report for 1989.

Textiles, Clothing and Footwear Development Authority—State of the industry report 1990.

6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HIGHER EDUCATION:

The House was informed that Dr Kemp had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The damaging and disruptive effects of the Government's policies for teaching and research in higher education".

The proposed discussion having received the necessary support—

Dr Kemp addressed the House.

Discussion ensued.

Discussion concluded.

7 POSTPONEMENT OF ORDER OF THE DAY: Ordered—That order of the day No. 3, government business, be postponed until a later hour this day.

8 COPYRIGHT AMENDMENT BILL 1990: Mr Duffy (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Copyright Act 1968*.

Bill read a first time.

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

Paper: Mr Duffy presented an explanatory memorandum to the Bill.

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

- 9 **COMMONWEALTH FUNDS MANAGEMENT LIMITED BILL 1990:** Mr Willis (Minister for Finance), pursuant to notice, presented a Bill for an Act relating to the constitution of the Superannuation Fund Investment Trust as a public company providing investment services on a commercial basis to the public and private sector, and for related purposes.

Bill read a first time.

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

Paper: Mr Willis presented an explanatory memorandum to the Bill.

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

- 10 **OVERSEAS STUDENTS (REFUNDS) BILL 1990:** Mr Tickner (Minister for Aboriginal Affairs), for Mr Dawkins (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act to facilitate the refunding of payments made by overseas students unable to undertake or complete courses of study in Australia, and for other purposes.

Bill read a first time.

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

Paper: Mr Tickner presented an explanatory memorandum to the Bill.

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

- 11 **BROADCASTING (FOREIGN OWNERSHIP) AMENDMENT BILL 1990:** Mr Beazley (Minister for Transport and Communications), pursuant to notice, presented a Bill for an Act relating to foreign ownership and control of companies holding licences under the *Broadcasting Act 1942*, and for related purposes.

Bill read a first time.

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

Paper: Mr Beazley presented an explanatory memorandum to the Bill.

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

- 12 **DEBITS TAX TERMINATION BILL 1990:** Mr Crean (Minister Assisting the Treasurer) presented a Bill for an Act to amend the *Debits Tax Act 1982* and the *Taxation Administration Act 1953*.

Bill read a first time.

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

Paper: Mr Crean presented an explanatory memorandum to the Bill.

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

- 13 **INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL (NO. 2) 1990:** 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.

Message from the Governor-General: Message No. 41, dated 10 October 1990, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Proposed new clause—

Mr Howard moved—That the following new clause be inserted in the Bill:

“12A. After section 187 of the Principal Act the following Division is inserted in Part VIII:

‘Division 4—Directions**Directions to stop industrial action**

‘187A. (1) Where it appears to the Commission that industrial action is occurring, or is threatened, impending or probable, in connection with an industrial dispute, the Commission may give, in connection with the exercise of conciliation powers or arbitration powers in relation to the industrial dispute, such directions as it thinks necessary or desirable to prevent or stop the industrial action or to prevent further industrial action.

‘(2) A direction under subsection (1) may be given to:

- (a) a party to the industrial dispute;
- (b) a member, officer or employee of an organisation that is a party to the industrial dispute; or
- (c) any other person engaged in industrial action in connection with the industrial dispute.

‘(3) The Commission may give a direction to a person not to engage in conduct that hinders, prevents or discourages:

- (a) the observance of an award;
- (b) the performance of work in accordance with an award; or
- (c) the acceptance of, or offering for, work in accordance with an award.

Injunction to stop industrial action

‘187B. (1) Where, on the application of the Minister, or of a person who is a party to the industrial dispute or is bound by the award concerned, the Court is satisfied that a person has engaged, or is proposing to engage, in conduct that constitutes, or would constitute:

- (a) a breach of a direction under section 187A;
- (b) an attempt to breach such a direction;
- (c) aiding, counselling or procuring a person to breach such a direction;
- (d) inducing or attempting to induce a person to breach such a direction;
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, a breach of such a direction; or
- (f) conspiring with others to breach such a direction;

the Court may grant an injunction in such terms as the Court considers to be appropriate.

‘(2) Where in the opinion of the Court it is desirable to do so, the Court may grant an interim injunction pending determination of an application under subsection (1).

‘(3) The Court may revoke or vary an injunction granted under subsection (1) or (2).

Damages for conduct in breach of direction

‘187C. (1) A person who suffers loss or damage by the conduct of another person that was done in breach of a direction under section 187A may recover the amount of the loss or damage by action against that other person in the Court.

‘(2) An action under subsection (1) may be commenced at any time within 3 years after the date on which the cause of action accrued.

Other actions not affected

‘187D. Nothing in this Division limits a right to bring an action otherwise than under this Act.

Conduct by officers, employees, members or agents

‘187E. For the purposes of sections 187B and 187C, action taken in breach of a direction under section 187A by an officer, employee, member or agent of an organisation shall be deemed to have been taken by the organisation, unless the organisation establishes that it took all reasonable steps to prevent the person from taking the action.’”.

Debate continued.

Question—put.

The committee divided (the Deputy Chairman, Mr Jenkins, in the Chair)—

AYES, 60

| | | | |
|--------------|------------------|--------------|----------------|
| Mr Aldred | Mr Cowan | Mr Jull | Mr Rocher |
| Mr Anderson | Mr Dobie | Dr Kemp | Mr Ronaldson |
| Mr Andrew* | Mr Downer | Mr Lloyd | Mr Ruddock |
| Mr Atkinson | Dr H. R. Edwards | Mr McArthur | Mr B. C. Scott |
| Mrs Bailey | Mr Fife | Mr McGauran | Mr Shack |
| Mr Beale | Mr Filing | Mr Mack | Mr Sharp |
| Mr Bradford | Mr T. A. Fischer | Mr MacKellar | Mr Sinclair |
| Mr Broadbent | Mr P. S. Fisher | Mr Moore | Mr Smith |
| Mr Cadman | Mr Ford | Mr Nehl | Mr Somlyay |
| Mr Carlton | Mrs Gallus | Mr Nugent | Mr Truss |
| Mr Chaney | Mr Hall | Mr Peacock | Mr Tuckey |
| Mr Charles | Mr Halverson | Mr Prosser | Mr Webster |
| Mr Cobb | Mr Hawker | Mr Reid | Mr Wilson |
| Mr Connolly | Mr Hicks* | Mr Reith | Dr R. L. Woods |
| Mr Costello | Mr Howard | Mr Riggall | Dr Wooldridge |

NOES, 64

| | | | |
|-----------------|--------------|-----------------|----------------|
| Mr Baldwin | Mr Dubois | Mr Johns | Mr Sawford |
| Mr Beazley | Mr Duffy | Mrs Kelly | Mr Scholes |
| Mr Beddall | Mr Duncan | Mr Kerin | Mr Sciacca |
| Mr Bevis | Mr Elliott | Mr Kerr | Mr J. L. Scott |
| Mr Bilney | Ms Fatin | Mr Langmore | Mr L. J. Scott |
| Dr Blewett | Mr Ferguson | Mr Lavarch | Mr Simmons |
| Mr Brereton | Mr Gayler | Mr Lindsay | Mr Snow |
| Mr R. J. Brown | Mr Gear* | Mr Martin | Mr Snowdon |
| Mr Campbell | Mr Gibson | Mr Melham | Mr Staples |
| Dr Catley | Mr Grace* | Mr A. A. Morris | Dr Theophanous |
| Dr Charlesworth | Mr Griffiths | Mr P. F. Morris | Mr Tickner |
| Mr Courtice | Mr Hand | Mr Newell | Mr Walker |
| Ms Crawford | Mr Howe | Mr O’Keefe | Mr West |
| Mr Crean | Mr Hulls | Mr O’Neil | Mr Willis |
| Mrs Crosio | Mr Humphreys | Mr Price | Mr H. F. Woods |
| Mrs Darling | Mrs Jakobsen | Mr Punch | Mr Wright |

* Tellers

And so it was negatived.

It being past 7.30 p.m.—Progress to be reported.

The House resumed; Mr Jenkins reported accordingly.

Adjournment negatived: The question was accordingly proposed—That the House do now adjourn.

Mr R. J. Brown (Minister for Land Transport) requiring the question to be put forthwith without debate—

Question—put and negatived.

The House again resolved itself into a committee of the whole.

In the committee

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Jenkins reported accordingly.

On the motion of Mr R. J. Brown, the House adopted the report, and, by leave, the Bill was read a third time.

14 **ADJOURNMENT:** Mr R. J. Brown (Minister for Land Transport) moved—That the House do now adjourn.
Debate ensued.

The House continuing to sit until 8 p.m.—The Acting Speaker adjourned the House until tomorrow at 10 a.m.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Burr, Mr Cameron, Mr Fitzgibbon, Mr Goodluck, Mr Gorman, Mr Holding, Mr Hollis, Mr Jones, Mr Lee, Ms McHugh, Mr McLeay, Mr Miles and Mrs Sullivan.

A. R. BROWNING
Clerk of the House of Representatives