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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 56

WEDNESDAY, 10 APRIL 1991

- 1 The House met, at 10 a.m., pursuant to adjournment.
- 2 ABSENCE OF SPEAKER: The Clerk having informed the House that Mr Speaker (the Honourable Leo McLeay) was absent, the Chairman of Committees (Mr R. F. Edwards) took the Chair as Acting Speaker, and read Prayers.
- 3 ALBURY-WODONGA DEVELOPMENT AMENDMENT BILL 1991: 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 Braithwaite 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 is of the opinion that the functions of the Albury-Wodonga Development Corporation should be phased out as soon as practicable, but notes that the Bill does not provide for this".

Debate continued.

Amendment negatived.

Question—That the Bill be now read a second time—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.

On the motion of Ms Fatin (Minister for Local Government), by leave, the following amendments were made together, after debate:

Clause 5, page 2, omit proposed section 6B, substitute the following section:

"6B. If (whether before or after the commencement of this section) an agreement substantially in accordance with the form of agreement set out in Schedule 3 has been or is executed by the Commonwealth and the States of New South Wales and Victoria, the agreement is approved by the Parliament.".

Schedule 1, page 8, omit the first and second headings and "Section 20" and "Section 6B", substitute:

"SCHEDULE

Section 20".

Schedule 2—

Page 9, omit the first heading and "Section 21", substitute:

"SCHEDULE 2—SCHEDULE TO BE ADDED TO Section 21

THE PRINCIPAL ACT SCHEDULE 3

Section 6B".

Page 9, proposed sub-clause 2(1), omit "sub-clause and sub-clause (2) of this clause", substitute "clause".

Page 9, proposed sub-clause 2(2), omit the sub-clause.

Clause 4, page 10, proposed paragraph (a), omit "bodies or the State Ministers responsible for planning", substitute "authorities and bodies".

Clause 6-

Page 13, proposed sub-clause (15), omit "shall", substitute "may".

Page 13, proposed sub-clause (15), omit "the appropriate steps to be taken", substitute "the Council to take such steps as are appropriate".

Clause 8, page 15, proposed sub-clause 9(1), omit "growth centre", substitute "growth complex".

Clause 9, page 16, proposed clause 10, omit "growth centre", substitute "growth complex".

Paper: Ms Fatin presented a supplementary explanatory memorandum to the Bill.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed: Mr Hollis reported accordingly.

On the motion of Ms Fatin, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

4 SALES TAX LAWS AMENDMENT BILL (NO. 1) 1991: 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.

Mr Cadman addressing the House-

It being 12.45 p.m., the debate was interrupted in accordance with sessional order 101A, and the resumption of the debate made an order of the day for a later hour this day.

5 QUESTIONS: Questions without notice being asked—

Suspension of standing and sessional orders moved: Dr Hewson (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House calls on the Government to recall the Ambassador to Ireland and the Holy See pending the satisfactory resolution of allegations and other matters raised before the current Royal Commission in Western Australia relating to the conduct of the Ambassador, as the former Premier of Western Australia, and any other investigations, inquiries or proceedings which may arise therefrom.

Debate ensued.

Closure: Mr Beazley (Leader of the House) moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Speaker, Mr McLeay, in the Chair)-

AYES, 76

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

NOES, 67

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

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put— The House divided (the Speaker, Mr McLeay, in the Chair)—

AYES, 67

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

NOES, 76

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

* Tellers

And so it was negatived.

Questions without notice concluded.

6 PAPERS: The following papers were presented:

Aboriginal deaths in custody—Royal Commission—Report of the inquiry into the death of—

Edward Frederick Betts (S/8).

Keith Edward Karpany (S/3).

A man who died at Oodnadatta on 17 December 1983 (SA/6).

Advance to the Minister for Finance-

Statement for March 1991.

Supporting applications of issues from the Advance during March 1991.

Public Service Act—Guidelines for the preparation of departmental annual reports, dated April 1991.

7 GUIDELINES FOR THE PREPARATION OF DEPARTMENTAL ANNUAL REPORTS—PAPER—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Public Service Act—Guidelines for the preparation of departmental annual reports, dated April 1991.

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

8 ABORIGINAL DEATHS IN CUSTODY—ROYAL COMMISSION—REPORTS—PUBLICATION OF PAPERS: Mr Beazley (Leader of the House), by leave, moved—That this House, in accordance with the provisions of the Parliamentary Papers Act 1908, authorises the publication of the report of the Royal Commission into Aboriginal Deaths in Custody of the inquiry into the death of—

Edward Frederick Betts (S/8).

Keith Edward Karpany (S/3).

A man who died at Oodnadatta on 17 December 1983 (SA/6). Question—put and passed.

9 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MINISTER FOR EMPLOYMENT, EDUCATION AND TRAINING: 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 damage resulting from the prolonged mismanagement of the export of education and of the

education portfolio by the Minister for Employment, Education and Training".

The proposed discussion having received the necessary support—

Dr Kemp rising to address the House-

Mr Beazley (Leader of the House) moved—That the business of the day be called on.

Question—put.

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

AYES, 74

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

NOES, 64

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

* Tellers

And so it was resolved in the affirmative.

10 SALES TAX LAWS AMENDMENT BILL (NO. 1) 1991: 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.

On the motion of Mr R. J. Brown (Minister for Land Transport), the Bill was read a third time.

11 SALES TAX LAWS AMENDMENT BILL (NO. 2) 1991: 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 R. J. Brown (Minister for Land Transport), the Bill was read a third time.

12 OCCUPATIONAL SUPERANNUATION LAWS AMENDMENT BILL 1991: 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.

On the motion of Mr Humphreys (Minister for Veterans' Affairs), the Bill was read a third time.

13 SUPERANNUATION SUPERVISORY LEVY BILL 1991: 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—

Ouestion—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 Braithwaite moved the following amendment: Clause 7, page 3, lines 4-6, omit the clause, substitute the following clause:

Regulations

"7. (1) Subject to subsection (2), the Governor-General may make

regulations for the purposes of section 6.

"(2) Regulations shall not be made for the purposes of section 6 unless the Minister has consulted with the Association of Superannuation Funds of Australia and the Life Insurance Federation of Australia and has had regard to the views (if any) expressed by those organisations."

Debate continued.

Amendment negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Nehl reported accordingly.

On the motion of Mr Humphreys (Minister for Veterans' Affairs), the House adopted the report, and, by leave, the Bill was read a third time.

14 BOUNTY (CITRIC ACID) BILL 1991: 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.
The House divided (the Deputy Speaker, Mr Jenkins, in the Chair)—

ATES, 70			
Mr Baldwin	Mr R. F. Edwards	Mr Jones	Mr Sawford
Mr Beddall	Mr Elliott	Mrs Kelly	Mr Scholes
Mr Bevis	Ms Fatin	Mr Kerr	Mr Sciacca
Mr Bilney	Mr Ferguson	Mr Langmore	Mr J. L. Scott
Dr Blewett	Mr Fitzgibbon	Mr Lavarch	Mr L. J. Scott
Mr Brereton	Mr Free	Mr Lee	Mr Simmons
Mr R. J. Brown	Mr Gear*	Mr Lindsay	Mr Snow
Mr Campbell	Mr Gibson	Mr Mack	Mr Snowdon
Dr Catley	Mr Grace*	Ms McHugh	Mr Staples
Dr Charlesworth	Mr Griffiths	Mr Martin	Dr Theophanous
Mr Courtice	Mr Hand	Mr Melham	Mr Tickner
Ms Crawford	Mr Holding	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Hollis	Mr P. F. Morris	Mr West
Mrs Crosio	Mr Howe	Mr Newell	Mr Willis
Mr Dawkins	Mr Hulls	Mr O'Keefe	Mr H. F. Woods
Mr Dubois	Mr Humphreys	Mr O'Neil	Mr Wright
Mr Duffy	Mrs Jakobsen	Mr Price	
Mr Duncan	Mr Johns	Mr Punch	

NOES, 61

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

* Tellers

And so it was resolved in the affirmative—Bill read a second time.

Adjournment negatived: It being past 10.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Crean (Minister for Science and Technology) requiring the question to be put forthwith without debate—

Question—put and negatived.

Leave granted for third reading to be moved forthwith. On the motion of Mr Crean, the Bill was read a third time.

15 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 190

Mr Speaker,

The Senate returns to the House of Representatives the bill for "An Act to amend the law relating to taxation", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA President

The Senate.

Canberra, 10 April 1991

Ordered—That the amendments be taken into consideration, in committee of the whole House, at the next sitting.

16 MESSAGE FROM THE SENATE—CRIMES (INVESTIGATION OF COMMONWEALTH OFFENCES) AMENDMENT BILL 1990: The following message from the Senate was reported:

Message No. 194

Mr Speaker,

The Senate returns to the House of Representatives the bill for "An Act to amend the 'Crimes Act 1914'", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA President

The Senate, Canberra, 10 April 1991

- Ordered—That the amendments be taken into consideration, in committee of the whole House, at the next sitting.
- 17 MESSAGES FROM THE SENATE: Messages from the Senate, dated 10 April 1991, were reported:
 - (a) returning the following Bills without amendment:

Trade Practices Amendment 1990—Message No. 191.

Social Security 1990-Message No. 192.

Trusts (Hague Convention) 1991—Message No. 193.

- (b) returning the Employment, Education and Training Amendment Bill 1991 and acquainting the House that the Senate does not insist upon its amendments disagreed to by the House of Representatives—Message No. 195.
- 18 ADJOURNMENT: Mr Beddall (Minister for Small Business and Customs) moved—That the House do now adjourn. Debate ensued.
- The House continuing to sit until 11 p.m.—Mr Speaker adjourned the House until tomorrow at 9.30 a.m.
- PAPERS: The following papers were deemed to have been presented on 10 April 1991:

Commonwealth Employees' Rehabilitation and Compensation Act—Declarations and Specifications—Notice—1991—No. 1.

Proclamations by His Excellency the Governor-General fixing the dates on which the following Acts, sections and subsections of Acts shall come into operation—

Commonwealth Banks Restructuring Act 1990—

- (a) subsection 25 (1) and sections 37, 38 and 39—the beginning of 28 March 1991;
- (b) subsection 8 (3), section 21 and section 62 (in so far as it relates to the *Banks (Shareholdings) Act 1972*)—the beginning of 2 April 1991;
- (c) subsection 25 (2) and section 26—the beginning of 6 April 1991;
- (d) subsection 8 (4), sections 22, 23, 24, 27 to 34 (inclusive), 41, 42, 50, 51, 52, 54, 55, 56 and 57, subsection 58(2), sections 59, 60, 61 and section 62 (in so far as it relates to the Administrative Decisions (Judicial Review) Act 1972, the Reserve Bank Act 1959, and the Sales Tax Assessment Act (No. 1) 1930)—the beginning of 17 April 1991;
- (e) section 20—immediately after the time referred to in paragraph (d);
- (f) subsection 8 (5), section 9, paragraph 10(a), sections 12, 13, 14, 15, 17, 18, 35, 40, 44, paragraph 48(a), section 49 and section 62 (in so far as it relates to the *Freedom of Information Act 1982* and the *National Crime Authority Act 1984*)—immediately after the time referred to in paragraph (e);

(g) subsection 8 (6), section 11 and subsection 53 (2)—immediately after the time referred to in paragraph (f).

Commonwealth Serum Laboratories (Conversion into Public Company)
Act 1990—Sections 6, 10, 13 and 17—1 April 1991.

Corporations Legislation Amendment Act 1990—Subsection 9 (2)—8 April 1991.

Geneva Conventions Amendment Act 1991—28 March 1991.

Industrial Relations Legislation Amendment Act (No. 2) 1990—Section 33—25 March 1991.

Public Service and Statutory Authorities Amendment Act 1980— Subsection 5 (3) and section 6—29 March 1991.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Gorman and Mr Peacock.

L. M. BARLIN
Clerk of the House of Representatives