

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
 HOUSE OF REPRESENTATIVES  
**VOTES AND PROCEEDINGS**

No. 67

WEDNESDAY, 15 MAY 1991

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1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.

2 **INDUSTRY, TECHNOLOGY AND COMMERCE LEGISLATION 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—*And on the amendment moved thereto by Mr McGauran, 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 very existence of the Discretionary Grants Scheme and the Generic Technologies Scheme, administered by the Industry Research and Development Board, attests to the Government’s failure to carry out necessary economic reforms which has resulted in:
  - (a) the incapacity of Australia’s economy to derive the full benefits of technological innovation;
  - (b) the high cost of capital and general economic conditions which have compromised industry investment, especially in technology-related business strategies; and
  - (c) the inability of small start-up companies to gain access to suitable private capital backing or industry support at the early stages of product development; and
- (2) notes that the extension of these schemes until 1994, which the Bill proposes, is further evidence of the Government’s failure in this regard”—

Debate resumed.

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 Mr Crean (Minister representing the Minister for Industry, Technology and Commerce), the following amendment was made, after debate: Page 12, Schedule, amendments of the *Patents Act 1990*, after the item relating to subsection 223 (10) insert:

**“Subsection 233 (1):**

After ‘Chapter’ insert ‘and the regulations’”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

- 15 **UNIVERSITY OF CANBERRA AMENDMENT BILL 1991:** Mr Baldwin (Minister for Higher Education and Employment Services), pursuant to notice, presented a Bill for an Act to amend the *University of Canberra Act 1989*. Bill read a first time.

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

*Paper:* Mr Baldwin presented an explanatory memorandum to the Bill.

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

- 16 **INDUSTRIAL RELATIONS LEGISLATION 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.

*Limitation of debate:* At 7.15 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

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

*Message from the Governor-General:* Message No. 132, dated 21 February 1991, 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.

On the motion of Mr Willis (Minister representing the Minister for Industrial Relations), by leave, the following amendments were made together, after debate:

Clause 2, page 1, line 9, omit “8,” from subclause (2).

Clause 4, page 2, subclause (2), after paragraph (a) insert the following paragraph:

“(aa) by inserting ‘a Territory (other than the Northern Territory),’ after ‘Commonwealth,’ in subparagraph (c) (ii) of the definition of ‘Commonwealth authority’ in subsection (1);”.

Clause 8—

Page 3, proposed subsection 67 (8A), line 28, omit “must”, substitute “may”.

Page 3, at the end of the clause add the following subclauses:

“(2) Where, before the commencement of this section, the Administrative Appeals Tribunal made an order for payment of costs in proceedings under the Principal Act instituted by the Commonwealth, being an order of the kind mentioned in subsection 67 (8A) of the Principal Act as amended by this Act:

(a) the order is, for all purposes, taken to have been validly made; and

(b) an amount paid before that commencement under any such order is taken to have been payable when it was so paid.

“(3) Where, before the commencement of this section:

(a) the Commonwealth, or a determining authority within the meaning of Part VI of the Principal Act, paid all or part of the costs incurred by a claimant within the meaning of that Part of any proceedings under that Part; and

(b) the payment was not made under section 67 of the Principal Act or under an order made by the Administrative Appeals Tribunal under that section;

the payment is taken to have been validly made.”.

Clause 25—

Page 16, lines 18-20, omit proposed paragraph 4B (1) (b), substitute:

“(b) the Chairman must not take part, or continue to take part, in the consideration of the matter, unless the Minister consents in writing.”.

Page 16, lines 21-28, omit proposed subsection 4B (2).

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Jenkins reported accordingly.

On the motion of Mr Willis, the House adopted the report, and the Bill was read a third time.

17 **INDUSTRIAL RELATIONS LEGISLATION 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.

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

AYES, 71

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

NOES, 61

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

\* Tellers

And so it was resolved in the affirmative—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 Howard moved the following amendment: Schedule, pages 6 to 10, omit

Part 3 (proposed amendments of the *Industrial Relations Act 1988*).

Debate continued.

Amendment negatived.

Bill agreed to.

Bill to be reported without amendment.

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The House resumed; Mr R. F. Edwards reported accordingly.

On the motion of Mr Willis (Minister representing the Minister for Industrial Relations), the House adopted the report, and the Bill was read a third time.

18 **ADJOURNMENT:** Mr Willis (Minister for Finance) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 8.02 p.m., adjourned until tomorrow at 9.30 a.m.

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**ATTENDANCE:** All Members attended (at some time during the sitting) except Mr Andrew, Mr Gorman\*, Mr Lee, Mr Punch and Mrs Sullivan.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives