

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 99

TUESDAY, 12 NOVEMBER 1991

- 1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
- 2 **QUESTIONS:** Questions without notice being asked—
Paper: Mr Dawkins (Minister for Employment, Education and Training) presented the following paper:
 Education and training—Long-term funding requirements—Copy of paper prepared by Department of Employment, Education and Training.
 Questions without notice concluded.
- 3 **AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER:** The Speaker presented the following paper:
 Audit Act—Auditor-General—Audit report No. 11 of 1991-92—Efficiency audit—Department of Immigration, Local Government and Ethnic Affairs—The migration program: Concessional family and independent entrant migration.
 Mr Beazley (Leader of the House), by leave, moved—That:
 (1) this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the Auditor-General's audit report No. 11 of 1991-92; and
 (2) the report be printed.
 Question—put and passed.
- 4 **PAPER:** The following paper was presented:
 Nuclear Non-Proliferation (Safeguards) Act—Australian Safeguards Office—Report for 1990-91.
- 5 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' BUSINESS NOTICE:** Mr Peacock moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Kooyong moving notice of motion No. 7, private Members' business, standing in his name.
 Question—put and passed, with the concurrence of an absolute majority.
- 6 **ATTORNEY-GENERAL—MOTION OF CENSURE:** Mr Peacock, pursuant to notice, moved—That this House censures the Attorney-General for failing to account to the Parliament the true nature and the reasons for the Government's financial deal with the Solicitor-General and for the Attorney-General's failure to uphold the letter and spirit of the law.
 Debate ensued.
 Ordered—That Mr Duffy (Attorney-General) be granted an extension of time.
Closure: Mr Duffy moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Deputy Speaker, Mr R. F. Edwards, in the Chair)—

AYES, 68

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

NOES, 62

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

* 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 Deputy Speaker, Mr R. F. Edwards, in the Chair)—

AYES, 62

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

NOES, 68

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

* Tellers

And so it was negatived.

- 7 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REFORMS IN FEDERAL/STATE RELATIONS:** The House was informed that Mr Carlton had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Prime Minister to provide the leadership necessary to bring about essential reforms in Federal/State relations".

The proposed discussion having received the necessary support—

Mr Carlton 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 Deputy Speaker, Mr R. F. Edwards, in the Chair)—

AYES, 69

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

NOES, 61

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

* Tellers

And so it was resolved in the affirmative.

8 MESSAGE FROM THE SENATE—SPECIAL BROADCASTING SERVICE BILL 1991: The following message from the Senate was reported:

Message No. 328

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to the Special Broadcasting Service Corporation, and for related purposes*", 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, 11 November 1991

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 3, page 2, after definition of "**Charter**", insert the following definition:

"**Community Advisory Committee**' means the Community Advisory Committee established under section 49;"

No. 2—After clause 45, page 16, insert the following clause:

Community information

"**45A.** The Board must develop and publicise guidelines on the kinds of community information or community promotional material that it is prepared to broadcast."

No. 3—Clause 47, page 17, paragraph (1)(e), lines 17 to 21, omit the paragraph, substitute the following paragraph and word:

"(e) set out the Board's additional community consultative measures, that is to say, any measures that the Board proposes to adopt in addition to receiving advice from the Community Advisory Committee to ensure that it is aware of, and responsive to, community needs and opinions (including the needs and opinions of small or newly arrived ethnic groups) on matters relevant to the Charter; and"

No. 4—Clause 49, pages 17 and 18, line 34 (page 17) to line 8 (page 18), omit the clause, substitute the following clause:

Community Advisory Committee

“49.(1) The Board must establish a committee to be known as the Community Advisory Committee.

“(2) The function of the Committee is to assist the Board to fulfil its duty under paragraph 10(1)(g) by advising the Board on community needs and opinions, including the needs and opinions of small or newly arrived ethnic groups, on matters relevant to the Charter.

“(3) Each member of the Committee is to be appointed by the Board.

“(4) The Board may only appoint a person to the Committee if the Board is satisfied that the person:

- (a) has an understanding of Australia’s multicultural society; and
- (b) in particular, has interests relevant to, and an understanding of, ethnic, Aboriginal or Torres Strait Islander communities.

“(5) The Board is to determine the terms and conditions of appointment of each member of the Committee.”

No. 5—Clause 57, page 20, paragraph (1)(b), line 22, omit “, 53 or 77”, substitute “or 53”.

No. 6—Clause 57, page 20, paragraph (1)(c), line 24, omit “a Community Advisory Council”, substitute “the Community Advisory Committee”.

No. 7—Clause 72, page 24, after paragraph (g), insert the following paragraph and word:

“(ga) particulars of any advice received by the Board during the year from the Community Advisory Committee and the action taken by the Board in response to that advice; and”.

No. 8—Clause 72, page 24, paragraph (h), line 20, omit “the measures”, insert “any other measures”.

No. 9—Clause 77, page 25, lines 18 to 32, omit the clause.

No. 10—Clause 81, page 27, at end of clause, add the following subclause:

“(4) An officer (within the meaning of subsection 7(1) of the *Public Service Act 1922*) to whom subsection (1) of this section applies is taken, for the purposes of Part IV of that Act, to be an officer (within the meaning of Division 9A of Part III of that Act) specified, or included in a class of such officers specified, in a declaration under subsection 81C(1) of that Act.”.

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Dubois reported accordingly.

On the motion of Mr Snowdon, the House adopted the report.

9 MESSAGE FROM THE SENATE—HEARING SERVICES BILL 1991: The following message from the Senate was reported:

Message No. 329

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to establish an authority to be known as Australian Hearing Services, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 11 November 1991

Ordered—That the amendment be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Clause 70, page 26, line 19, omit “a person”, substitute “a member of the Board or a member of the staff of the Authority”.

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Dubois reported accordingly.

On the motion of Mr Snowdon, the House adopted the report.

- 10 CORPORATIONS (UNLISTED PROPERTY TRUSTS) 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 having been resumed by Mr Costello—
Limitation of debate: At 4.45 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—
Question—That the Bill be now read a second time—put and passed—Bill read a second time.
Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.
- 11 CORPORATIONS 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—
Debate resumed.
Limitation of debate: At 5.30 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—
Question—That the Bill be now read a second time—put and passed—Bill read a second time.
Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.
- 12 SALES TAX LAWS AMENDMENT BILL (NO. 3) 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 6.30 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—
Question—That the Bill be now read a second time—put and passed—Bill read a second time.
Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.
- 13 MESSAGES FROM THE SENATE:** Messages from the Senate, dated 12 November 1991, were reported—
(a) acquainting the House that Senators Coates and Colston had been appointed members of the Joint Standing Committee on the Parliamentary Zone—Message No. 330.

(b) returning the following Bill without amendment:
States Grants (General Purposes) 1991—Message No. 331.

14 AUSTRALIAN INSTITUTE OF HEALTH 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 Beddall (Minister for Small Business and Customs), the Bill was read a third time.

15 REPATRIATION INSTITUTIONS (STAFF) 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.

16 VETERANS' ENTITLEMENTS (PROVISION OF TREATMENT) 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.

The House divided (the Deputy Speaker, Mrs Sullivan, in the Chair)—

AYES, 67

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

NOES, 59

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

* Tellers

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

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

Question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

- 17 **HEALTH INSURANCE (PATHOLOGY) 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 Howe (Minister for Health, Housing and Community Services), the Bill was read a third time.

- 18 **HEALTH INSURANCE (PATHOLOGY) AMENDMENT (NO. 2) 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—

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

Message from the Governor-General: Message No. 207, dated 10 November 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 Howe (Minister for Health, Housing and Community Services) the following amendment was made: Clause 4, page 3, proposed subparagraphs 16A(5AA)(b)(ii), (iii) and (iv), lines 12 to 14, omit the subparagraphs, substitute the following subparagraphs:

“(ii) a licensed collection centre (within the meaning of Part IIA); or

(iii) a recognised hospital; or

(iv) a private hospital, or a day hospital facility, in which the person is an in-patient; or”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The House resumed; Mr Jenkins reported accordingly.

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

- 19 **HEALTH INSURANCE (PATHOLOGY) (FEES) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Howe (Minister for Health, Housing and Community Services), the Bill was read a third time.

- 20 **HEALTH INSURANCE (PATHOLOGY) (LICENCE FEE) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Howe (Minister for Health, Housing and Community Services), the Bill was read a third time.

- 21 **ADJOURNMENT:** Mr Howe (Minister for Health, Housing and Community Services) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 11.39 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 12 November 1991:

Defence Act—Determinations under section 58B—1991—Nos. 78, 107, 109.
States Grants (TAFE Assistance) Act—Determinations—Nos. TAFE 21/91, TAFE 22/91.

ATTENDANCE: All Members attended (at some time during the sitting) except Dr Blewett, Mr Cameron, Dr Catley, Mr Crean, Mrs Darling*, Mr Gear*, Ms McHugh, Mr Newell, Mr Rocher*, Mr Shack, Mr Taylor and Dr Wooldridge.

*On leave

L. M. BARLIN
Clerk of the House of Representatives