

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 121

TUESDAY, 28 APRIL 1992

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- 1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
 - 2 **RETURN TO WRIT—WILLS DIVISION:** The Speaker announced that he had received a return to the writ which he had issued on 9 March 1992 for the election of a Member to serve for the electoral division of Wills, in the State of Victoria, to fill the vacancy caused by the resignation of the Honourable Robert James Lee Hawke, AC, and that, by the endorsement on the writ, it was certified that Philip Ronald Cleary had been elected.
 - 3 **AFFIRMATION OF ALLEGIANCE BY MEMBER:** Philip Ronald Cleary was introduced, and made and subscribed the affirmation of allegiance required by law.
 - 4 **DEATH OF FORMER MEMBER (MR R. N. BONNETT):** The Speaker informed the House of the death, on 21 April 1992, of Mr Robert Noel Bonnett, OBE, a Member of this House for the Division of Herbert from 1966 to 1977.
Mr Lindsay and Mr Jull paid tribute to his memory.
As a mark of respect to the memory of the deceased all Members present stood, in silence.
 - 5 **MINISTERIAL ARRANGEMENTS:** Mr Keating (Prime Minister) informed the House that, during the absence abroad of Mrs Kelly (Minister for the Arts, Sport, the Environment and Territories), Ms Fatin (Minister for the Arts and Territories) would answer questions on her behalf.
Mr Keating also informed the House that, during the absence through illness of Mr Bilney (Minister for Defence Science and Personnel) and the absence of Mr Humphreys (Minister for Veterans' Affairs), Mr Beazley (Minister for Employment, Education and Training) would answer questions on behalf of Mr Bilney and Mr Howe (Minister for Health, Housing and Community Services) would answer questions on behalf of Mr Humphreys.
 - 6 **PRIVILEGE—COMPLAINT OF BREACH:** Mr Cadman raised, as a matter of privilege, a possible contempt relating to the Standing Committee on Legal and Constitutional Affairs. Mr Cadman stated that, in accordance with the Speaker's statement of 17 September 1990 (concerning the manner in which complaints of disclosure of material from committees should be handled), he was formally bringing the matter to the Speaker's attention. Mr Cadman said he expected the committee to meet to consider the matter.
The Speaker indicated that he would await the committee's consideration of the matter.

7 QUESTIONS: Questions without notice being asked—

Paper: Mr Griffiths (Minister for Resources) presented the following paper:

Opposition's "Fightback" package—Copy of newspaper article published in the *Sunday Mail* [Qld] of 19 April 1992 entitled "Hewson threat to jobs".

Questions without notice concluded.

8 AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS: The Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1991-92—

No. 26—Efficiency audit—Program evaluation in the Departments of Social Security and Primary Industries and Energy.

No. 27—Project audit—Retirement Benefits Office: The CSS/PSS choice.

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 reports Nos. 26 and 27 of 1991-92; and

(2) the reports be printed.

Question—put and passed.

9 PAPERS: The following papers were presented:

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report on general revenue grant relativities for the States, the Northern Territory and the Australian Capital Territory—1992 update.

Law Reform Commission Act—Law Reform Commission—Reports—

No. 57—Multiculturalism and the law.

No. 59 (A joint report of the Commission and the Companies and Securities Advisory Committee)—Collective investments: Superannuation.

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIAN FLAG:

The House was informed that Dr Hewson (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Prime Minister's failure to stand up for the Australian flag".

The proposed discussion having received the necessary support—

Dr Hewson addressed the House.

Suspension of standing and sessional orders moved: Dr Hewson 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 expresses its firm and unswerving support for the current Australian national flag.

Mr T. A. Fischer (Leader of the National Party of Australia—second) addressing the House—

Closure of Member: Mr Beazley (Leader of the House) moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 68

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

NOES, 65

Mr Aldred	Mr Cowan	Mr Jull	Mr Rocher
Mr Anderson	Mr Dobie	Dr Kemp	Mr Ronaldson
Mr J. N. 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 Braithwaite	Mr P. S. Fisher	Mr McLachlan	Mr Somlyay
Mr Cadman	Mr Ford	Mr Miles	Mr Taylor
Mr Cameron	Mrs Gallus	Mr Moore	Mr Truss
Mr Carlton	Mr Goodluck	Mr Nehl	Mr Tuckey
Mr Chaney	Mr Hall	Mr Nugent	Mr Webster
Mr Charles	Mr Halverson	Mr Peacock	Dr R. L. Woods
Mr Cleary	Mr Hawker	Mr Prosser	Dr Wooldridge
Mr Cobb	Dr Hewson	Mr Reid	
Mr Connolly	Mr Hicks*	Mr Reith	
Mr Costello	Mr Howard	Mr Riggall	

* Tellers

And so it was resolved in the affirmative.

Closure: Mr Beazley moved—That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

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

AYES, 63

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

NOES, 70

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

* Tellers

And so it was negated.

Discussion ensued.

Member named: The Deputy Speaker named the Member for Mayo (Mr Downer) for continuing to interject after having been warned by the Chair. Mr Beazley moved—That the Member for Mayo be suspended from the service of the House.

Mr Fife and Mr Peacock having addressed the Chair, and Mr Downer having apologised to, and the apology having been accepted by, the Chair, the matter was not proceeded with further.

Discussion continued.

Discussion concluded.

11 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

6 April 1992—Message—

No. 249—Appropriation (No. 5) 1991-92.

No. 250—Australian Institute of Health Amendment 1992.

No. 251—

Child Support Legislation Amendment 1992.

Sales Tax Laws Amendment (No. 1) 1992.

10 April 1992—Message—

No. 252—Arts, Sport, Environment and Territories Legislation Amendment 1992.

No. 253—

Primary Industries and Energy Legislation Amendment 1992.

Poultry Industry Assistance Amendment 1992.

Coarse Grains Levy 1992.

Coarse Grains Levy (Consequential Provisions) 1992.

13 April 1992—Message No. 254—Law and Justice Legislation Amendment 1992.

12 MESSAGE FROM THE SENATE—MIGRATION AMENDMENT BILL 1992:

Message No. 405, dated 1 April 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Migration Act 1958'*".

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

13 POSTPONEMENT OF NOTICE: Ordered—That notice No. 1, government business, be postponed until a later hour this day.

14 OZONE PROTECTION AMENDMENT BILL 1992: 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 Ms Fatin (Minister for the Arts and Territories), the Bill was read a third time.

15 NATIONAL RAIL CORPORATION AGREEMENT BILL 1992: 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.

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

16 ADJOURNMENT: It being approximately 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 28 April 1992:

Aboriginal and Torres Strait Islander Heritage Protection Act—Declaration pursuant to section 9 relating to significant Aboriginal areas, Northern Territory.

Aged or Disabled Persons Care Act—Determination No. 1991-92/23.

Air Navigation Act—Regulations—Statutory Rules 1992, No. 104.

Australian and Overseas Telecommunications Corporation Act—Australian and Overseas Telecommunications Corporation—Determination of initial capital of AOTC, 27 April 1992.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal for the collection of information—1992—No. 3—Topic to be included as a supplement to the monthly labour force survey: Environmental issues.

Australian Capital Territory Supreme Court Act—Rules of Court—Statutory Rules 1992, Nos. 79, 82.

Australian Meat and Live-stock Corporation Act—Order—1992—No. M49/92.

Australian Wool Corporation Act—Regulations—Statutory Rules 1992, No. 100.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1992, No. 102.

Cash Transaction Reports Act—Regulations—Statutory Rules 1992, No. 90.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Parts—

105—Amendments, 28 February 1992, 20 and 24 March 1992 and 2 April 1992.

106—Amendments, 2 April 1992.

107—Amendments, 2 April 1992.

Copyright Act—Declaration pursuant to paragraph 10A(1)(b), 24 February 1992.

Crimes Act—Regulations—Statutory Rules 1992, No. 91.

Currency Act—Determination—1992—No. 1.

Customs Act—Regulations—Statutory Rules 1992, Nos. 83, 103.

Defence Act—

Determination under section 52—1992—No. 2.

Determinations under section 58B—1992—Nos. 8, 11, 13, 15.

Defence Forces Retirement Benefits Act—Regulations—Statutory Rules 1992, No. 93.

Federal Court of Australia Act—Rules of Court—Statutory Rules 1992, Nos. 86, 87.

Fringe Benefits Tax Assessment Act—Regulations—Statutory Rules 1992, No. 76.

Health Insurance Act—

Determination pursuant to subsection 3C(1), 1 April 1992.

Regulations—Statutory Rules 1992, No. 95.

Industrial Relations Act—Regulations—Statutory Rules 1992, No. 81.

Judiciary Act—

Regulations—Statutory Rules 1992, No. 80.

Rules of Court—Statutory Rules 1992, No. 85.

Lands Acquisition Act—Statement of lands acquired by agreement authorised under subsection 40(1).

- Long Service Leave (Commonwealth Employees) Act—Regulations—Statutory Rules 1992, No. 99.
- Migration Act—Regulations—Statutory Rules 1992, Nos. 96, 97.
- National Health Act—
 Notice pursuant to subsection 4(1)—1992—GNH 1.
 Pharmaceutical Benefits—Declaration—1992—No. PB5.
 Principles—1992—ISP 1, OTP 1, NGP 1, PC 1.
- Proclamation by His Excellency the Governor-General fixing the date on which the following part of an Act shall come into operation—*Industrial Relations Legislation Amendment Act (No. 3) 1991*—Part 5—8 April 1992.
- Protection of the Sea (Prevention of Pollution from Ships) Act—Regulations—Statutory Rules 1992, No. 101.
- Public Service Act—
 Determinations—1992—Nos. 20, 26, 30, 35, 36, 38, 55, 118, 119, 121, 122, 123, 125, LES 8.
 Parliamentary Presiding Officers' Determination—1992—No. 2.
- Remuneration Tribunal Act—
 Regulations—Statutory Rules 1992, No. 98.
 Remuneration Tribunal—Determinations—
 1992/4—Remuneration and allowances—Associate Director of Public Prosecutions and holders of public offices on other bodies.
 1992/5—Remuneration and allowances—Secretaries of Departments and holders of public offices.
 1992/6—Remuneration and allowances—Deputy Chairman and Member of the Australian Securities Commission.
 1992/8—Reimbursement of expenses—Parliamentary Secretaries.
 1992/9—Travelling allowance—Members of Parliament.
 1992/10—Entitlements—Members of Parliament.
 1992/11—Remuneration and allowances—Holders of public office.
- States Grants (Petroleum Products) Act—Amendments of the schedules to the subsidy schemes in relation to New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania and the Northern Territory, 8 April 1992.
- States Grants (Schools Assistance) Act 1988*—Determination of amounts and approval of payments under sections 16A and 17—SEP 92/7.
- Stevedoring Industry Levy Act—Regulations—Statutory Rules 1992, No. 84.
- Superannuation Act 1976*—
 Declaration—Statutory Rules 1992, No. 78.
 Regulations—Statutory Rules 1992, No. 94.
- Superannuation Act 1990*—Declaration—Statutory Rules 1992, No. 77.
- Superannuation Benefits (Supervisory Mechanisms) Act—Determination—1992—No. 3.
- Therapeutic Goods Act—Regulations—Statutory Rules 1992, No. 89.
- Therapeutic Goods (Charges) Act—Regulations—Statutory Rules 1992, No. 88.
- Trade Practices Act—Regulations—Statutory Rules 1992, No. 92.
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ATTENDANCE: All Members attended (at some time during the sitting) except Mr Bilney, Mr Burr, Mr Humphreys, Mrs Kelly, Mr Punch, Mr Sciacca*, Mrs Sullivan and Mr Wilson.

*On leave

L. M. BARLIN
Clerk of the House of Representatives