1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 134

THURSDAY, 4 JUNE 1992

- 1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
- 2 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Chaney, Mr Fife, Mr Hawker, Mr Jull, Mr McArthur and Mr Reid, from 19, 648, 570, 47, 78 and 11 petitioners, respectively, praying that no action be taken to change the national flag unless approved by the people of Australia in a national poll.
 - Mr Anderson, Mr Cobb, Mr T. A. Fischer and Mr Hicks, from 847, 105, 87 and 97 petitioners, respectively, praying that the current national flag be preserved and no change be made to its design unless supported by referendum by the majority of Australians in the majority of states.
 - Mrs Bailey, Mr P. S. Fisher, Mr McGauran and Mr Reid, from 16, 28, 198 and 23 petitioners, respectively, praying that no change be made to the design or colour of the Australian national flag and that it continue to represent a true manifestation of the nation's history.
 - Mrs Bailey, Mr Halverson and Mr Webster, from 38, 165 and 37 petitioners, respectively, praying that the national flag not be changed except by a referendum.
 - Mr Halverson, from 30 petitioners, in similar terms.
 - Mr Duncan, Mr Riggall and Mr Smith, from 138, 85 and 403 concerned parents and consumers, respectively, praying that certain action be taken to ensure that legislation controlling television protects the young and impressionable.
 - Mr Baldwin, from 244 members of the Parish of St Augustine's, Balmain, NSW, praying that the issue of unemployment be addressed nationally in the hope that strategies will be put in place to restore and support the working people of Australia.
 - Mr Cobb, from 1635 residents of Gilgandra Shire, NSW, and certain other citizens, praying that the proposed feasibility study to re-route the Newell Highway and by-pass Gilgandra be abandoned.
 - Mr Courtice, from 16 electors of the Division of Hinkler, praying that staff in the meteorological station in Gladstone, Qld, be retained.
 - Mr Courtice, from 13 petitioners, praying that certain action be taken before 1 January 2001 to reaffirm that Australia is a Christian Commonwealth according to law and its heritage, traditions and customs.
 - Mr Downer, from 266 residents of South Australia, praying that the current national flag be preserved as a symbol of national pride and identity.

Mr Fife, from 367 petitioners, praying that no action be taken to change the national flag unless supported by a majority of votes in a majority of states.

Mr McArthur, from 68 petitioners, praying that consideration be given to protecting the current rights of independent contractors.

Mr McLachlan, from 185 horticulturalists of the Riverland region of South Australia, praying that consideration be given to exempting employers of short term casual labourers from the requirements of proposed superannuation legislation and the superannuation guarantee levy.

Mr Reid, from 7 residents of Bendigo, Vic., praying that certain action be taken immediately to cause a general election to provide Australians with the opportunity to decide on the nation's economic direction.

Mr Sharp, from 235 petitioners, praying that the existing Australian flag be retained and Australians be given the opportunity to express that wish through a referendum.

Mr Smith, from 726 electors of the Division of Bass, praying that the current Australian flag remain and that no change ever be made without consent of all Australians by referendum.

Mr Webster, from 14 petitioners, praying that funding of abortions through Medicare cease and that the right to life of the unborn be protected.

Dr R. L. Woods, from 197 petitioners, praying that the future of the Australian flag be decided by all Australian people by way of referendum and not by the Government.

Petitions received.

3 NATIONAL CRIME AUTHORITY—PARLIAMENTARY JOINT COMMITTEE— REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER: Mr O'Keefe presented the following report:

National Crime Authority—Parliamentary Joint Committee—Legal casinos and organised criminal activity—Report, incorporating a dissenting report. June 1992.

Ordered to be printed.

Mr O'Keefe and Mr Filing made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr O'Keefe moved—That the House take note of the report.

In accordance with sessional order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Thursday.

4 INDUSTRY, SCIENCE AND TECHNOLOGY—STANDING COMMITTEE— REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER: Mr Ferguson presented the following report and related papers:

Industry, Science and Technology—Standing Committee—The shipbuilding industry: In the wake of the bounty—

Report, 26 May 1992.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Ferguson and Mr Ford made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Ferguson moved—That the House take note of the report.

In accordance with sessional order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Thursday.

5 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS: Mr MacKellar presented the following report:

Australian Parliamentary Delegation to Poland, Czechoslovakia, Bulgaria and Hungary, July/August 1991—Report.

Mr MacKellar, Mr West, Mr Hicks and Dr Charlesworth made statements in connection with the report.

6 INDUSTRIAL RELATIONS AMENDMENT BILL 1992: Mr Charles, pursuant to notice, presented a Bill for an Act to amend the *Industrial Relations Act* 1988.

Mr Charles made a statement in relation to the Bill.

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

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Thursday, in accordance with sessional order 104A.

7 FOREST CONSERVATION AND DEVELOPMENT BILL 1992: Mr Miles, pursuant to notice, presented a Bill for an Act concerning the provision of resource security for certain forest industries.

Mr Miles made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Thursday, in accordance with sessional order 104A.

- 8 APPM DISPUTE: Mr Kerr, pursuant to notice, moved—That this House:
 - (1) expresses its support for the APPM workers at Burnie, Tasmania, in their struggle to be collectively represented by their unions in negotiations with the company;
 - (2) opposes the attack by APPM on the whole trade union movement inherent in the writs issued against the President of the ACTU, Mr Martin Ferguson, and other officials and unions for organising stopwork meetings of APPM employees; and
 - (3) calls upon APPM to resolve this dispute by agreeing to the:
 - (a) right of workers to work in a healthy and safe environment without intimidation:
 - (b) withdrawal of all legal actions against their workers and union officials; and
 - (c) right of workers to be collectively represented by their unions in negotiations with the company.

Dehate encued

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Thursday.

- 9 ROAD FUNDING: Mr Bradford, pursuant to notice, moved—That this Parliament:
 - (1) deplores the Government's appalling record on road funding, noting that road funding has steadily decreased in real terms while the Government expects to collect more than double the revenue from diesel and fuel excise in 1991-92 than it did in 1982-83; and
 - (2) recognises that money raised by road user charges should be directed to roads.

Debate ensued.

It being 12.30 p.m., the debate was interrupted in accordance with sessional order 104A, and the resumption of the debate made an order of the day for the next sitting Thursday.

10 GRIEVANCE DEBATE: Pursuant to the provisions of sessional order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Paper: Mr Aldred, by leave, presented the following paper:

Workplace reform program—Overview, end June 1991—Extracts.

Debate continued.

It being 1.45 p.m., the debate was interrupted in accordance with sessional order 106.

Question—That grievances be noted—put and passed.

- 11 MEMBERS' STATEMENTS: Members' statements were made.
- 12 QUESTIONS: Questions without notice were asked.
- 13 PAPER: The Speaker presented the following paper:

Committee reports—Schedule of Government responses to the reports of House of Representatives and joint committees, for period 19 December 1991 to 3 June 1992, and reports presented to which responses are outstanding, 4 June 1992.

14 PARLIAMENTARY ZONE—JOINT STANDING COMMITTEE—REPORT: The Speaker (Joint Chairman) presented the following report:

Parliamentary Zone—Joint Standing Committee—Report—Proposed works in the Parliamentary Zone—Administration Building carpark, Parliament House interpretive trail and signs within the Zone, May 1992.

Ordered to be printed.

15 PAPERS: The following papers were presented:

Advance to the Minister for Finance—

Statement for May 1992.

Supporting applications of issues from the Advance during May 1992.

Audit Act—Auditor-General—Audit report No. 25 of 1991-92—Audit of the Australian Wheat Board, 1990-91.

Australia and the Asian Development Bank—Report by Hon. J. Dawkins, MP, Treasurer, for 1991.

Australian Agricultural Council—Record and resolutions—137th meeting, Fremantle, 14 February 1992.

Australian Nuclear Science and Technology Organisation Act—Safety Review Committee—Report for 1990-91.

Copyright Act—Collecting Society (Audio-visual Copyright Society Ltd)—Report for 1990-91.

Fishing Industry Research and Development Act—Fishing Industry Research and Development Council—Report for 1990-91.

Government responses to parliamentary committee reports—Response, June 1992, to the list tabled in the House of Representatives on 19 December 1991.

Higher Education Funding Act 1988—Report detailing determinations made under the Act in respect of 1991.

Ministers' private interests—Returns of Ministers and Parliamentary Secretaries appointed since tabling of 1991 returns, June 1992.

Small Business in Australia—Second annual report by the Department of Industry, Technology and Commerce, June 1992.

16 SMALL BUSINESS IN AUSTRALIA—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Small Business in Australia—Second annual report by the Department of Industry, Technology and Commerce, June 1992.

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

17 AUSTRALIA AND THE ASIAN DEVELOPMENT BANK—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Australia and the Asian Development Bank—Report by Hon. J. Dawkins, MP, Treasurer, for 1991.

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

18 AUDIO-VISUAL COPYRIGHT SOCIETY LTD—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Copyright Act—Collecting Society (Audio-visual Copyright Society Ltd)—Report for 1990-91.

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

19 AUDIT OF THE AUSTRALIAN WHEAT BOARD—AUDITOR-GENERAL'S REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Audit Act—Auditor-General—Audit report No. 25 of 1991-92—Audit of the Australian Wheat Board, 1990-91.

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

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PUBLIC POLICY PROCESS: 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 determine a public policy process that provides a long-term economic prescription to the benefit of all Australians".

The proposed discussion having received the necessary support—

Dr Hewson addressed the House.

Discussion ensued.

Discussion concluded.

- 21 MESSAGE FROM THE SENATE: A message from the Senate was reported returning the following Bill without amendment:
 - 3 June 1992—Message No. 433—Ozone Protection Amendment 1992.
- 22 SPECIAL ADJOURNMENT: Mr Bilney (Minister for Defence Science and Personnel) moved—That the House, at its rising, adjourn until Wednesday, 24 June 1992, at 10 a.m., unless the Speaker fixes an alternative day or hour of meeting.

Question—put and passed.

- 23 LEAVE OF ABSENCE TO ALL MEMBERS: Mr Bilney (Minister for Defence Science and Personnel) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.
 Question—put and passed.
- 24 SELECTION COMMITTEE—REPORT: Mr Halverson (Acting Chairman) presented the following report:

Selection Committee—Report relating to the program of business prior to 12.30 p.m. on the next sitting Thursday.

25 PUBLICATIONS COMMITTEE—18TH REPORT: Mr Gorman (Chairman) presented the following report:

PUBLICATIONS COMMITTEE 18TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered petitions and documents presented to the Parliament since 7 May 1992, recommends that the following be printed:

Aboriginal Land Rights (Northern Territory) Act—Aboriginal Land Commissioner—Report—Upper Daly Land Claim (No. 37).

Australian and Overseas Telecommunications Corporation Act—Australian and Overseas Telecommunications Corporation—Financial statements for period 6 November 1991 to 1 February 1992.

Australian Telecommunications Corporation Act—Australian Telecommunications Corporation—Final report, for period 1 July 1991 to 21 January 1992.

Commonwealth Electoral Act—1992 Redistribution of Electoral Divisions—Australian Capital Territory.

New South Wales-Vol. I-Report.

Oueensland-Vol. I-Report.

South Australia—Vol. I—Report.

Tasmania.

Industry Commission Act-Industry Commission-Reports-

National procurement development program, 31 March 1992 (No. 20). Raw material pricing for domestic use, 1 April 1992 (No. 21).

Review of overseas export enhancement measures, 3 April 1992 (No. 22)—

Vol. I—Report.

Vol. II—Country studies.

Law Reform Commission Act—Law Reform Commission—Reports—No. 58—Choice of law.

No. 60—Customs and excise (Vols. I, II and III).

OTC Limited—Report for period 1 April 1991 to 31 January 1992.

Televising of the House of Representatives—Select Committee—The eyes have it: Inquiry into the televising of the House of Representatives and its committees—Report, August 1991.

Aboriginal Land Rights (Northern Territory) Act—Tiwi Land Council—Report for 1990-91—Errata.

Australian Science and Technology Council Act—Australian Science and Technology Council—Report for 1990-91—Corrigendum.

RUSS GORMAN Chairman

4 June 1992

Mr Gorman, by leave, moved—That the report be agreed to. Question—put and passed.

26 PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER: Mr Shack presented the following report:

Public Accounts—Joint Committee—Report 316—The administrative and financial relationships between Medicare and Medibank Private, June 1992.

Ordered to be printed.

Mr Shack, by leave, made a statement in connection with the report.

27 INTER-PARLIAMENTARY UNION—YAOUNDE CONFERENCE, 1992—PAPERS— STATEMENTS BY MEMBERS: Mr Lee, by leave, presented the following report and associated papers:

Inter-Parliamentary Union-

87th Conference, Yaounde, Republic of Cameroon, 2-11 April 1992— Report of the Australian Delegation.

Series—Reports and documents—

No. 18, 1991—Distribution of seats between men and women in national parliaments—Statistical data from 1945 to 30 June 1991.

No. 19, 1992—Women and political power.

Mr Lee, Mrs Sullivan, Mr Burr and Mr Ferguson, by leave, made statements in connection with the report.

28 MESSAGE FROM THE SENATE—TAXATION ADMINISTRATION AMENDMENT BILL 1992: The following message from the Senate was reported:

Message No. 434

Mr Speaker,

The Senate returns to the House of Representatives the bill for "An Act to amend the Taxation Administration Act 1953", 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, 4 June 1992

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 After clause 5, page 5, add the following clause:

"6. After section 17B of the Principal Act the following section is inserted:

Requests to be prescribed as an eligible Royal Commission

'17C.(1) This section applies to:

- (a) a Royal Commission of the Commonwealth, a State or a Territory;
- (b) a commission of inquiry of a State or a Territory; or

(c) a board of inquiry of a State or a Territory.

- "(2) The person, or any of the persons, constituting the commission or board may give the Minister a written request that the Governor-General make a regulation prescribing the commission or board for the purposes of paragraph (b), (c) or (d) of the definition of "eligible Royal Commission" in section 2.
- '(3) Within 28 days after receiving the request, the Minister must give the person who made the request a written notice:
 - (a) stating whether or not the Governor-General will make the regulation; and
 - (b) setting out the reasons why the regulation will be made, or will not be made, as the case requires.
- '(4) The Minister must cause a copy of a notice given under subsection (3) to be laid before each House of the Parliament on the next sitting day of that House after the day on which the notice was given.'."

Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the amendment be agreed to.

Debate ensued.

Paper: Mr Dawkins (Treasurer), by leave, presented the following paper:

Taxation Administration Act 1953—Proposed amendments—Copy of letter from D. F. Wicks, Principal Solicitor, Royal Commission into Commercial Activities of Government and Related Matters, to Mr Phillip Foster, Deputy Commissioner of Taxation, Perth, 22 May 1992.

Amendment agreed to.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly. On the motion of Mr Duncan, the House adopted the report.

29 MESSAGE FROM THE SENATE—NATIONAL CRIME AUTHORITY AMENDMENT BILL 1992: Message No. 430, dated 3 June 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for "An Act to amend the 'National Crime Authority Act 1984'".

Bill read a first time.

Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

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

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan, the Bill was read a third time.

30 MESSAGE FROM THE SENATE—COMMONWEALTH ELECTORAL AMENDMENT BILL 1992: Message No. 432, dated 3 June 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for "An Act to amend the 'Commonwealth Electoral Act 1918'".

Bill read a first time.

Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services) moved—That the Bill be now read a second time.

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

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Johns, the Bill was read a third time.

31 MESSAGE FROM THE SENATE—AUSTRALIAN SPORTS DRUG AGENCY AMENDMENT BILL 1992: Message No. 435, dated 4 June 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for "An Act to amend the 'Australian Sports Drug Agency Act 1990'".

Bill read a first time.

Ms McHugh (Minister for Consumer Affairs) moved—That the Bill be now read a second time.

Paper: Ms McHugh presented an explanatory memorandum to the Bill.

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

32 MESSAGE FROM THE SENATE—TRADE PRACTICES AMENDMENT BILL 1992: Message No. 431, dated 3 June 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for "An Act to amend the 'Trade Practices Act 1974' to provide for the compensation of persons who suffer loss caused by defective goods, and for related purposes".

Bill read a first time.

Ms McHugh (Minister for Consumer Affairs) moved—That the Bill be now read a second time.

Paper: Ms McHugh presented an explanatory memorandum to the Bill.

Debate, by leave, ensued.

Debate adjourned (Mr Hulls), and the resumption of the debate made an order of the day for a later hour this day.

33 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

4 June 1992-Message-

No. 437—A.C.T. Supreme Court (Transfer) 1992.

No. 438—Ministers of State Amendment 1992.

No. 439-Veterans' Entitlements (Provision of Treatment) Amendment 1991.

34 MESSAGE FROM THE SENATE—REPATRIATION INSTITUTIONS (STAFF) BILL 1991: The following message from the Senate was reported:

Mr Speaker,

The Senate returns to the House of Representatives the bill for "An Act relating to the staff of repatriation institutions that become institutions operated by States and authorities of States", 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

Message No. 436

The Senate.

Canberra, 4 June 1992

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 1, page 1, line 4, omit "Staff", substitute "Transfer". No. 2—At end of Part 1, page 4, insert the following Part:

"PART 1A—RESTRICTION ON RIGHT TO TRANSFER CERTAIN REPATRIATION INSTITUTIONS

Minister to notify intention to transfer

- "6A.(1) This section applies in relation to the following repatriation institutions:
 - (a) Repatriation General Hospital Daw Park;
 - (b) Repatriation General Hospital Greenslopes;
 - (c) Repatriation General Hospital Heidelberg;
 - (d) Repatriation General Hospital Hollywood;
 - (e) the repatriation auxiliary hospitals, being:
 - (i) Lady Davidson Hospital; and
 - (ii) MacLeod Repatriation Hospital; and
 - (iii) Repatriation Hospital Kenmore.
- "(2) The Commonwealth must not enter into an agreement under which a repatriation institution to which this section applies is to become, before 1 January 1995, an institution operated by a State or an authority of a State unless:
 - (a) the Minister has determined in writing that the institution should be transferred to the State or authority; and
 - (b) the determination has not been disallowed and is no longer liable to be disallowed, or to be taken to have been disallowed, under section 48 of the Acts Interpretation Act 1901.
- "(3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.".

No. 3—Title, page 1, omit the title, substitute the following title: "An Act relating to the transfer of repatriation institutions and to the staff of transferred institutions".

On the motion of Mr Humphreys (Minister for Veterans' Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly. On the motion of Mr Humphreys, the House adopted the report.

35 ADJOURNMENT: Mr Humphreys (Minister for Veterans' Affairs) moved—That the House do now adjourn.

Debate ensued.

Closure: Mr R. J. Brown (Minister for Land Transport) moved—That the question be now put.

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

And the question—That the House do now adjourn—was put accordingly, and passed.

And then the House, at 11.12 p.m., adjourned until Wednesday, 24 June 1992, at 10 a.m., in accordance with the resolution agreed to this day.

PAPERS: The following papers were deemed to have been presented on 4 June 1992:

Corporations Act—Accounting standards—

AASB 1017: Related party disclosures.

AASB 1024: Consolidated accounts.

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

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Chaney, Mrs Darling, Mr R. F. Edwards, Mr Jenkins, Mr Jones, Mrs Kelly, Mr Kerin, Mr Lindsay, Mr Moore, Mr Prosser, Mr Sawford, Mr B. C. Scott and Mr Somlyay.

L. M. BARLIN
Clerk of the House of Representatives