

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 163

THURSDAY, 26 NOVEMBER 1992

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- 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 Deputy Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Beazley, Mr Dawkins, Mr Grace, Mr Lee, Mr Newell, Mr Price, Mr Snow and Mr Snowdon, from 182, 212, 289, 336, 241, 293, 977 and 319 petitioners, respectively, praying that woodchipping be phased out and certain other action be taken in relation to the forests of south eastern Australia.
 - Mr Anderson, Mr Cobb, Mr Cowan and Mr Truss, from 44, 76, 15 and 8 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.
 - Mr J. N. Andrew and Mr Reith, from 52 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 Bradford and Mr Newell, from 66 and 360 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.
 - Dr Kemp and Mr Langmore, from 155 and 22 petitioners, respectively, praying that the Australian National University Amendment (Autonomy) Bill 1992 be debated and passed in the House at the earliest opportunity.
 - Mr Beale, from 6 petitioners, praying that no change be made to the national flag without a full referendum.
 - Mr Beazley, from 52 petitioners, praying that Medicare funding of abortion be terminated as soon as possible.
 - Mr Bradford, from 160 residents of Queensland, praying that the House affirm its support for the Australian flag and that the flag not be changed.
 - Mr Courtice, from 795 residents of the Shire of Isis, Qld, praying that steps be taken to ensure that the population of the Isis Shire is not disadvantaged by the loss of a pathology collection service in Childers, Qld.
 - Mr Cowan, from 20 petitioners, praying for a referendum before any change is made to the design of the existing Australian flag.
 - Mr Dawkins, from 573 petitioners, praying that banks and financial institutions be prevented from charging more than 8 per cent interest on home loans.

Mr Humphreys, from 313 electors of the Division of Griffith, praying that the Family Law Act be amended to re-instate adultery as a ground for divorce and that de facto relationships be treated as illegitimate.

Mr McArthur, from 160 petitioners, praying that the existing mail service in Princetown, Vic., be retained.

Mr Mack, from 1717 petitioners, praying that the proposed ABC television service to Asia be wholly funded by the Government or that the service not commence until Government funds are available.

Mr Mack, from 182 petitioners, praying that the use of genetic engineering and cloning of human beings, animals, plant life, microbes and foods be prohibited.

Mr Miles, from 100 petitioners, praying that the Family Law Act be amended to re-introduce adultery as a ground for divorce.

Mr Riggall, from 15 petitioners, praying that importation of goods supported by subsidies and other non-tariff or dumping measures be stopped and that tariffs remain in place while other nations use such measures.

Mr Ronaldson, from 821 residents of Ballarat, Vic., praying that urgent steps be taken to ensure that Sumitriptan is listed under the Pharmaceutical Benefits Scheme.

Mr Shack, from 159 petitioners, praying that Medicare funding of abortion be treated as a moral issue and that it be terminated without delay.

Dr Wooldridge, from 31 residents of Victoria, praying that Medicare funding of abortion be terminated by support for the Abortion Funding Abolition Bill 1990.

Petitions received.

3 CERTAIN ASPECTS OF THE OPERATION AND INTERPRETATION OF THE FAMILY LAW ACT—JOINT SELECT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER: Mr Peacock presented the following report and related papers:

Certain Aspects of the Operation and Interpretation of the Family Law Act—Joint Select Committee—*Family Law Act 1975*: Aspects of its operation and interpretation—

Report, incorporating a dissenting report, November 1992.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Peacock, Mrs Jakobsen, Mr Lavarch, Mr Webster and Mr Gorman made statements in connection with the report.

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

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

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

4 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS: Mr Lee presented the following report:

Australian Parliamentary Delegation to the Russian Federation—Russia and the Independent Republic of Ukraine, 14-22 April 1992—Report.

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

5 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER: The order of the day having been read for the

resumption of the debate on the motion of Dr Theophanous—That the House take note of the report (*presented on 24 November 1992*), viz.:

Electoral Matters—Joint Standing Committee—Counting the vote on election night: Conduct of the 1990 federal election Part II and preparations for the next federal election—Interim report, November 1992—

Debate resumed.

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.

- 6 INDUSTRIAL RELATIONS COMMISSION:** Mr L. J. Scott, pursuant to notice, moved—That the Government take action to ensure that all Australians have access to the Industrial Relations Commission to protect their award wages and conditions.

Debate ensued.

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.

- 7 BOSNIA AND HERZEGOVINA:** Mr Bradford, pursuant to notice, moved—That this Parliament:

- (1) condemns those responsible for the killing and maiming of innocent women and children in Bosnia and Herzegovina;
- (2) supports any action the UN proposes to take to bring about a cessation of hostilities in Bosnia and Herzegovina;
- (3) supports UN Security Council Resolution 781 banning all military flights in the airspace of Bosnia and Herzegovina and the UN's decision to station monitors at airfields in the territory of the former Yugoslavia;
- (4) urges the Government to request the UN to consider whether it is humane to continue to restrict the legitimate Government of Bosnia and Herzegovina from purchasing weapons to defend its sovereign territory;
- (5) abhors the practice of "ethnic cleansing" which is occurring in Bosnia and condemns those responsible; and
- (6) requests the Government to give urgent consideration to increasing its aid to the area in order to assist neighbouring countries with the temporary resettlement of refugees and displaced persons as a result of the war.

Debate ensued.

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.

- 8 GOVERNMENT TOURISM INDUSTRY POLICIES:** Dr Catley, pursuant to notice, moved—That this House congratulates the Government on the innovative and constructive policies it has implemented to assist the tourism industry, including (a) increased funding of \$15 million to the Australian Tourist Commission, (b) increases in the amortisation and depreciation rates applying to tourism accommodation building and plant and equipment, respectively, (c) the aviation reforms which are improving the competitiveness of the aviation sector and (d) the higher policy focus given to the industry by the creation of the Department of Tourism and the elevation of tourism to Cabinet representation.

Debate ensued.

It being 12.30 p.m., the debate was interrupted in accordance with standing order 104A, the resumption of the debate made an order of the day for

the next sitting Thursday, and Mr Nehl was granted leave to continue his speech when the debate is resumed.

9 **GRIEVANCE DEBATE:** Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

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

Question—That grievances be noted—put and passed.

10 **MEMBERS' STATEMENTS:** Members' statements were made.

11 **QUESTIONS:** Questions without notice were asked.

12 **PAPER:** The Speaker presented the following paper:

Public Service Act—Joint House Department—Report for 1991-92.

13 **PAPERS:** The following papers were presented:

Aboriginal Hostels Limited—Report for 1991-92.

Anglo-Australian Telescope Agreement Act—Anglo-Australian Telescope Board—Report for 1991-92.

Australian Defence Industries Ltd (ADI)—Report for 1991-92.

Australian Film Commission Act—

Australian Film Commission—Report for 1991-92.

Film Australia Pty Ltd—Report for 1991-92.

Australian Securities Commission Act—Australian Accounting Standards Board—Report for 1991-92.

Australian Security Intelligence Organization Act—Australian Security Intelligence Organization—Report for 1991-92.

Bureau of Tourism Research—Report for 1991-92.

Coal Industry Act—Joint Coal Board—45th report, for 1991-92.

Family Law Act—Family Court of Australia—Report for 1991-92.

Federal Court of Australia Act—Federal Court of Australia—Report for 1991-92.

Genetic Manipulation Advisory Committee—Report for 1991-92.

Industry Commission Act—Industry Commission—Report for 1991-92.

Industry Research and Development Act—Industry Research and Development Board—Report for 1991-92.

Landcare Australia Limited—3rd report, for 1991-92.

Law Reform Commission Act—Law Reform Commission—Report for 1991-92.

National Gallery Act—Australian National Gallery—Report for 1991-92.

National Science and Technology Centre—Report for 1991-92.

Prices Surveillance Act—Prices Surveillance Authority—Report for 1991-92.

Primary Industries and Energy Research and Development Act—Energy Research and Development Corporation—Report for 1991-92.

Public Service Act—

Department of Primary Industries and Energy—Report for 1991-92.

Department of the Treasury—Report for 1991-92.

Department of Transport and Communications—Report for 1991-92.

Social Security Act and Public Service Act—Department of Social Security—Report for 1991-92.

Telecommunications (Interception) Act—Report for 1991-92.

14 **DEPARTMENT OF TRANSPORT AND COMMUNICATIONS—REPORT—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—Department of Transport and Communications—Report for 1991-92.

- Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 15 **DEPARTMENT OF THE TREASURY—REPORT—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—Department of the Treasury—Report for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 16 **FAMILY COURT OF AUSTRALIA—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
Family Law Act—Family Court of Australia—Report for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 17 **INDUSTRY COMMISSION—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
Industry Commission Act—Industry Commission—Report for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 18 **DEPARTMENT OF SOCIAL SECURITY—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
Social Security Act and Public Service Act—Department of Social Security—Report for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 19 **WILLS ELECTORAL DIVISION—ORDER OF THE COURT OF DISPUTED RETURNS:** The Clerk presented a letter which he had received from the Registrar of the High Court, forwarding in accordance with section 369 of the *Commonwealth Electoral Act 1918*, an order made this day by the High Court of Australia sitting as the Court of Disputed Returns. The letter and order were read by the Clerk and are as follows:
26 November 1992
Mr Lyn Barlin
Clerk
House of Representatives
Parliament House
Canberra
Dear Mr Barlin
Re: Petition to the Court of Disputed Returns in respect of the by-election for the Electoral Division of Wills
I wish to advise that pursuant to the provisions of s369 of the *Commonwealth Electoral Act 1918*, I am enclosing herewith a copy of the order of the Court of Disputed Returns made this day in Melbourne, declaring that the by-election held on 11th April 1992 to elect the member of the Commonwealth House of Representatives for the Electoral Division of Wills was absolutely void.
I am also enclosing a copy of the reasons for judgment of the Full Court for your information.
- yours faithfully
Frank Jones
Registrar
- IN THE HIGH COURT OF AUSTRALIA

MELBOURNE OFFICE OF THE REGISTRY
SITTING AS THE COURT OF DISPUTED RETURNS

No M25 of 1992

IN THE MATTER of the *Commonwealth Electoral Act 1918*

IN THE MATTER of the election of one member of the House of Representatives for the Division of Wills in the Commonwealth of Australia

BETWEEN:

IAN GRANT SYKES

Petitioner

-and-

PHILIP RONALD CLEARY

First Respondent

JOHN DELACRETAZ

Second Respondent

BILL KARDAMITSIS

Third Respondent

GERALDINE RAWSON

Fourth Respondent

AUSTRALIAN ELECTORAL

COMMISSION

Fifth Respondent

BEFORE HIS HONOUR JUSTICE DAWSON

THURSDAY THE 26TH DAY OF NOVEMBER 1992

THIS PETITION addressed to the Court of Disputed Returns having been filed on 28th May 1992 and a case having been stated and questions having been reserved pursuant to S.18 of the *Judiciary Act 1903* (Cth.) for the consideration of a Full Court and the Case Stated having come on for hearing before a Full Court comprising Chief Justice Mason, Justice Brennan, Justice Deane, Justice Dawson, Justice Toohey, Justice Gaudron and Justice McHugh on 26th and 27th August 1992 and that Court upon reading the Case Stated filed herein and upon hearing Mr J. I. Fajgenbaum one of Her Majesty's Counsel for the petitioner, Mr S. P. Charles one of Her Majesty's Counsel for the first respondent, Mr K. H. Bell of Counsel for the third respondent, Mr D. J. Rose one of Her Majesty's Counsel for the fifth respondent and Mr G. Griffith one of Her Majesty's Counsel, Solicitor-General for the Commonwealth of Australia for the Attorney-General for the Commonwealth of Australia intervening did order on the 27th August 1992 that the said Case Stated should stand for judgment and the same standing for judgment on 25th November 1992 at Canberra that Court did order that the questions reserved in the Case Stated be answered as follows:

Question (a)

Was the first respondent duly elected at the Election?

Answer: No

Question (b)

If no to (a), was the Election absolutely void?

Answer: Yes

Question (c)

If no to (b), was any and which candidate duly elected who was not returned as elected?

Answer: Does not arise

Question (d)

Who should pay the costs of the Petition?

Answer: By consent there should be no order for costs.

And this Petition coming before this Court this day at Melbourne for the making of orders in accordance with the answers of the Full Court

it is declared that the by-election held on 11th April 1992 to elect the member of the Commonwealth House of Representatives for the Electoral Division of Wills was absolutely void and it is ordered that the security for costs paid by the petitioner in accordance with S.356 of the *Commonwealth Electoral Act 1918* (Cth.) be refunded to the petitioner Ian Grant Sykes and it is further ordered that liberty be reserved to each party to apply within seven days upon forty-eight hours notice to the other parties and it is further ordered that there be no order as to costs.

FRANK JONES
REGISTRAR

Wills by-election—Statement by Speaker: The Speaker made a statement concerning the judgment of the High Court sitting as the Court of Disputed Returns in relation to the Wills by-election on 11 April 1992 and informed the House that he had received advice from the Attorney-General. The advice made it clear that it is the responsibility of the Speaker to determine if and when a writ will be issued for a by-election. In accordance with that advice he would be consulting with Party leaders and Mr Mack concerning the issue of a writ for a by-election.

20 PETROLEUM RESOURCE RENT TAX ASSESSMENT ACT—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS: Mr Griffiths (Minister for Resources) presented the following paper:

Petroleum Resource Rent Tax Assessment Act—Report, November 1992.

Mr Griffiths, by leave, made a ministerial statement in connection with the report, and presented the following paper:

Petroleum Resource Rent Tax Assessment Act—Report on the operation of the Act—Ministerial statement.

Mr Staples (Minister for Aged, Family and Health Services) moved—That the House take note of the papers.

Debate ensued.

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

21 SELECTION COMMITTEE—REPORT: Mr R. F. Edwards (Chairman) presented the following report:

Selection Committee—Report relating to the program of business prior to 12.30 p.m. on Thursday, 17 December 1992.

22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAX SYSTEM: 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 failure of the Government to reform the tax system as an essential part of a package to stimulate Australian businesses and create jobs".

The proposed discussion having received the necessary support—

Dr Hewson addressed the House.

Discussion ensued.

Discussion concluded.

23 SPECIAL ADJOURNMENT: Mr Brereton (Parliamentary Secretary to the Prime Minister) moved—That the House, at its rising, adjourn until Wednesday, 16 December 1992, at 10 a.m., unless otherwise called together by the Speaker, or, in the event of the Speaker being unavailable, by the Deputy Speaker and Chairman of Committees.

Question—put and passed.

24 LEAVE OF ABSENCE TO ALL MEMBERS: Mr Brereton (Parliamentary Secretary to the Prime Minister) 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.

25 PUBLICATIONS COMMITTEE—21ST REPORT: Mr Fitzgibbon presented the following report:

PUBLICATIONS COMMITTEE 21ST 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 15 October 1992, recommends that the following be printed:

Administrative Appeals Tribunal Act—Administrative Review Council—Report for 1991-92.

Affirmative Action (Equal Employment Opportunity for Women) Act—Affirmative Action Agency—Report for 1991-92.

Australian and Overseas Telecommunications Corporation Act—Australian and Overseas Telecommunications Corporation—Report for period 1 February to 30 June 1992.

Australian Bureau of Statistics Act—

Australian Bureau of Statistics—Report for 1991-92.

Australian Statistics Advisory Council—Report for 1991-92.

Australian Capital Territory (Planning and Land Management) Act—National Capital Planning Authority—Report for 1991-92.

Australian Federal Police Act—Australian Federal Police—Report for 1991-92.

Australian Film, Television and Radio School Act—Australian Film, Television and Radio School—Report for 1991-92.

Australian Maritime Safety Authority Act—Australian Maritime Safety Authority—Report for 1991-92.

Australian Postal Corporation Act—Australian Postal Corporation (Australia Post)—Report for 1991-92.

Australian Science and Technology Council Act—Australian Science and Technology Council—Report for 1991-92.

Australian Securities Commission Act—

Companies Auditors and Liquidators Disciplinary Board—Report for 1991-92.

Corporations and Securities Panel—Report for 1991-92.

Australian Wool Industry Council Act—Australian Wool Industry Council—Report for 1991-92.

Bankruptcy Act—Report for 1991-92 on the operation of the Act.

Civil Aviation Act—Civil Aviation Authority Australia—Report for 1991-92.

Commonwealth Fire Board—Report for 1991-92.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—59th report (1992).

Council for Aboriginal Reconciliation Act—Council for Aboriginal Reconciliation—Report for period 2 September 1991 to 30 June 1992.

Customs Administration Act—Australian Customs Service—Report for 1991-92.

Dairy Produce Act—Australian Dairy Corporation—Report for 1991-92.

Data-matching Program (Assistance and Tax) Act—Data-matching Program—Reports, October 1992—

Commissioner of Taxation.

Department of Employment, Education and Training.

Department of Health, Housing and Community Services.

Department of Social Security.

Department of Veterans' Affairs.

- Defence Housing Authority Act—Defence Housing Authority—Report for 1991-92.
- Economic Planning Advisory Council Act—Economic Planning Advisory Council—Report for 1991-92.
- Employment, Education and Training Act—National Board of Employment, Education and Training—Report for 1991-92.
- Export Finance and Insurance Corporation Act—Export Finance and Insurance Corporation—Report for 1991-92.
- Family Law Act—Family Law Council—Report for 1991-92.
- Fishing Industry Research Act—Report for 1991-92 on the operation of the Act.
- Freedom of Information Act—Report for 1991-92 on the operation of the Act.
- High Court of Australia Act—High Court of Australia—Report for 1991-92.
- Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report on Australian Defence Force Policy on Homosexuality.
- Immigration Review Tribunal—Report for 1991-92.
- Industry Commission Act—Industry Commission—Report—Book Production, 15 October 1992 (No. 27).
- International Bank for Reconstruction and Development (General Capital Increase) Act—Report for 1991-92 on the operation of the Act.
- International Monetary Agreements Act—Report for 1991-92 on the operation of the Act, and of the operations, insofar as they relate to Australia, of the International Monetary Fund and of the International Bank for Reconstruction and Development.
- Life Insurance Act, Insurance Act, Insurance (Agents and Brokers) Act and Occupational Superannuation Standards Act—Insurance and Superannuation Commission—Report for 1991-92.
- Members of Parliament (Staff) Act—Report for 1991-92 on consultants engaged under section 4.
- National Crime Authority Act—National Crime Authority—Report for 1991-92.
- National Energy Research, Development and Demonstration Council—Report for 1991-92.
- National Library Act—National Library of Australia—Report for 1991-92.
- National Rail Corporation Agreement Act—National Rail Corporation Ltd—Report for period 19 September 1991 to 30 June 1992.
- Parliamentary Counsel Act—Office of Parliamentary Counsel—Report for 1991-92.
- Pipeline Authority Act—Pipeline Authority—Report for 1991-92.
- Primary Industries and Energy Research and Development Act—Reports for 1991-92—
 Dairy Research and Development Corporation.
 Rural Industries Research and Development Corporation.
- Public Service Act—Reports for 1991-92—
 Attorney-General's Department (Vols 1 and 2).
 Department of Employment, Education and Training (Review 1992).
 Department of Finance.
 Department of Health, Housing and Community Services.
 Department of Immigration, Local Government and Ethnic Affairs—
 Report for 1991-92 (Review '92), including a report on the operation of the Adult Migrant Education Program, pursuant to the *Immigration (Education) Act 1971*, and a return pursuant to the *Australian Citizenship Act 1948*.

Resource Assessment Commission Act—Resource Assessment Commission—
Report for 1991-92.
Snowy Mountains Engineering Corporation Act—Snowy Mountains
Engineering Corporation Limited—Report for 1991-92.
Snowy Mountains Hydro-electric Power Act—Snowy Mountains Council—
Report for 1991-92.
Telecommunications Act—Australian Telecommunications Authority
(AUSTEL)—Report for 1991-92.
University of Canberra Act—University of Canberra—Report for 1991.
Veterans' Entitlements Act—Veterans' Review Board—Report for
1991-92.
War Crimes Act—Report for 1991-92 on the operation of the Act.

Australian Wine and Brandy Corporation Act—Australian Wine and
Brandy Corporation—Report for 1991-92—Corrigenda.

ERIC FITZGIBBON

26 November 1992

Mr Fitzgibbon, by leave, moved—That the report be agreed to.

Question—put and passed.

26 **APPROPRIATION BILL (NO. 3) 1992-93:** 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 Truss), and the resumption of the debate made an order of the day for a later hour this day.

27 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported:

(a) returning the following Bills without amendment:

25 November 1992—Message—

No. 556—Radiocommunications (Transmitter Licence Tax) Amendment 1992 (*without requests*).

No. 558—Radiocommunications Taxes Collection Amendment 1992.

No. 559—Radiocommunications (Receiver Licence Tax) Amendment 1992 (*without requests*).

No. 560—Radiocommunications (Test Permit Tax) Amendment 1992 (*without requests*).

26 November 1992—Message—

No. 564—Medicare Levy Amendment 1992.

No. 565—Antarctic (Environment Protection) Legislation Amendment 1992.

(b) acquainting the House that the Senate has agreed to the amendments made by the House to the Parliamentary Presiding Officers Amendment Bill 1992—Message No. 561, dated 26 November 1992.

(c) acquainting the House that the Senate has agreed to the amendments made by the House to the Industry, Technology and Commerce Legislation Amendment Bill 1992—Message No. 562, dated 26 November 1992.

(d) transmitting the following resolution agreed to by the Senate this day:
That the Foreign Affairs Sub-Committee of the Joint Committee on Foreign Affairs, Defence and Trade be authorised to hold a public hearing during the sittings of the Senate on 1 December 1992 from 9 a.m. till 5.30 p.m.—Message No. 563, dated 25 November 1992.

28 **MESSAGE FROM THE SENATE—BROADCASTING SERVICES (SUBSCRIPTION TELEVISION BROADCASTING) AMENDMENT BILL 1992:** Message No. 566, dated 25 November 1992, from the Senate was reported transmitting for

the concurrence of the House a Bill for “*An Act to amend the ‘Broadcasting Services Act 1992’ to include provisions relating to subscription television broadcasting services*”.

Bill read a first time.

Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade) moved—That the Bill be now read a second time.

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

Leave granted for debate to ensue.

Mr Smith 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:

- (1) records the fatally flawed nature of the Bill and notes that, in Government, the Liberal and National Parties will move so as to ensure that a much more competitive model is established in accordance with the principles and concerns set out below;
- (2) condemns the Government for:
 - (a) what has been a chaotic policy process in relation to this Bill;
 - (b) its regulatory policy for pay TV services which:
 - (i) contradicts the stated aim of the principal Act to readily accommodate technological change;
 - (ii) treats the delivery of pay TV by satellite as a special case;
 - (iii) creates barriers to entry by placing severe restrictions on licence A and few on licence B and by prescriptively limiting foreign investment; and
 - (iv) prescribes advertising on the satellite pay TV services;
- (3) notes that the Bill:
 - (a) does not provide an ‘open architecture technology’;
 - (b) provides for the use of only 10 satellite channels until 1997, with limits on the A and B licensees to 4 channels each and on the C licensee to 2 channels;
 - (c) makes artificial distinctions between broadcast and narrowcast services; and
- (4) expresses its concern:
 - (a) about the possible vertical integration of satellite pay television licences and possible monopoly control of the subscriber management system;
 - (b) about the process of setting transmission system standards specific only to satellite pay television which may result in standards different from all future television services and standards dissimilar to the rest of the world;
 - (c) that the common reception equipment is specified only for satellite digital pay television services when this same equipment may be capable of providing access to all future digital television services; and
 - (d) that the resulting standards may result in a high cost to the consumer”.

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

Broadcasting Services Act 1992—Proposed repeal and substitution of section 128.

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 Mr Martin, by leave, the following amendments were made together, after debate:

Clause 4—

Page 12, proposed paragraph 128(1)(b), line 27, before “the other House”, insert “otherwise than as mentioned in subsection (2),”.

Page 12, proposed subsection 128(1), line 30, omit “the day on”, insert “the 28th day after the day on”.

Page 13, proposed subsection 128(3), lines 1 to 8, omit the subsection.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr L. J. Scott reported accordingly.

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

- 29 **MESSAGE FROM THE SENATE—RADIOCOMMUNICATIONS BILL 1992:** Message No. 567, dated 25 November 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act about management of the radiofrequency spectrum, and other matters*”.

Bill read a first time.

Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade) moved—That the Bill be now read a second time.

Papers: Mr Martin presented an explanatory memorandum and a supplementary 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 Martin, the Bill was read a third time.

- 30 **MESSAGE FROM THE SENATE—RADIOCOMMUNICATIONS (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1992:** Message No. 557, dated 25 November 1992, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to repeal the ‘Radiocommunications Act 1983’ and certain related Acts, and to make transitional provisions and certain amendments consequential upon the enactment of the ‘Radiocommunications Act 1992’*”.

Bill read a first time.

Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade) moved—That the Bill be now read a second time.

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

Question—put, by leave, and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

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

- 31 **APPROPRIATION BILL (NO. 3) 1992-93:** 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.

The House continuing to sit until after midnight—

FRIDAY, 27 NOVEMBER 1992

Leave granted for third reading to be moved forthwith.

On the motion of Mr Baldwin (Minister Assisting the Treasurer), the Bill was read a third time.

- 32 **APPROPRIATION BILL (NO. 4) 1992-93:** 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 Baldwin (Minister Assisting the Treasurer), the Bill was read a third time.

- 33 **MESSAGE FROM THE SENATE—CHILD SUPPORT LEGISLATION AMENDMENT BILL (NO. 2) 1992:** The following message from the Senate was reported:

Message No. 568

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend legislation relating to child support, and for purposes connected to those amendments*", 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, 26 November 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 11, page 7, proposed Example 2, Step 3, omit "Mary owes Peter \$1,831", substitute "Mary owes Peter \$1,600".

No. 2—After clause 12, page 8, insert the following clause:

Interpretation

"12A. Section 59 of the Principal Act is amended in the definition of 'income amount order' by omitting from subparagraphs (a)(i) and (b)(i) 'being an order' and substituting 'or a determination under Part 6A (Departure from administrative assessment of child support), being an order or determination'."

No. 3—Clause 18, page 10, proposed subsection 63A(1), line 15, omit "1 July 1993", substitute "30 June 1993".

No. 4—Clause 19, page 11, proposed paragraph 64A(1)(b), line 10, after "exceeds", insert "; by 10% or more,".

No. 5—Clause 31, page 15, after paragraph (a), insert the following paragraph:
"(aa) in the definition of 'appealable refusal decision' in subsection (1), by inserting in paragraph (c) 'or 71A' after '71';".

No. 6—Clause 33, page 16, lines 3 and 4, omit "amended by omitting subsection (4)", substitute the following:

"amended:

(a) by omitting from subsection (3) 'Subject to subsection (4), the' and substituting 'The';

(b) by omitting subsection (4)."

No. 7—Clause 37, page 16, proposed paragraph 84A(1)(a), line 29, after "71", insert "or 71A".

No. 8—Clause 38, pages 16 and 17, line 38 (page 16) to line 20 (page 17), omit the clause.

On the motion of Mr Baldwin (Minister Assisting the Treasurer), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.
On the motion of Mr Baldwin, the House adopted the report.

34 **MESSAGE FROM THE SENATE:** A message from the Senate was reported returning the following Bill without requests:
26 November 1992—Message No. 569—Medicare Levy Amendment (No. 2) 1992.

35 **ADJOURNMENT:** Mr Baldwin (Minister for Higher Education and Employment Services) moved—That the House do now adjourn.

Debate ensued.

Papers: Mr Aldred, by leave, presented the following papers:

Australian Export Meat Industry—Documents (4).

Question—put and passed.

And then the House, at 12.17 a.m., adjourned until Wednesday, 16 December 1992, at 10 a.m., in accordance with the resolution agreed to at this sitting.

PAPERS: The following papers were deemed to have been presented on 26 November 1992:

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

105—Amendments 9, 10, 12, 16, 18(4), 19, 20, 23 and 24(6) November 1992.

106—Amendment 10 November 1992.

Veterans' Entitlements Act—Instruments—1992 Nos. 10, 11.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Cameron*, Ms Fatin, Mr Fife, Mr Howe, Mr Kerin and Mr H. F. Woods.

*On leave

L. M. BARLIN
Clerk of the House of Representatives