THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 15

WEDNESDAY, 1 SEPTEMBER 1993

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

2 ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL (NO. 2) 1993

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 by Mr MacKellar who 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 notes the Government's own admission that Aboriginal wellbeing is not improving and therefore calls for an independent review of ATSIC to determine the measures necessary to ensure an improvement in its performance in order to significantly lift the living standards of the indigenous population of Australia".

Debate continued.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), the Bill was read a third time.

3 QUESTIONS

Questions without notice being asked-

Member named and suspended: The Speaker named the Member for Mayo (Mr Downer) for continuing to interject after having been warned by the Chair.

Mr Beazley (Leader of the House) moved—That the Member for Mayo be suspended from the service of the House.

Question—put.

The House divided (the Speaker, Mr Martin, in the Chair)-

AYES, 77 Mr Adams Mr Duncan Mr Jones Mr Punch Mr Baldwin Mrs Easson Mr Keating Mr Ouick Mr Beazley Mr Elliott Mr Sawford* Mrs Kelly Mr Beddall Ms Fatin Mr Kerin Mr Sciacca Mr Ferguson Mr Bevis Mr Kerr Mr L. J. Scott Mr Bilney Mr Fitzgibbon Mr Knott Mr Simmons Dr Blewett Mr Free Mr Langmore Mrs S. J. Smith Mr Brereton Mr Gear Mr Lavarch Mr S. F. Smith Mr Brown Mr Gibson Mr Lee Mr Snow Mr Campbell Mr Gorman Mr Lindsay Mr Snowdon Mr Chynoweth Mr Griffin Ms McHugh Mr Staples Mr Cleary Mr Griffiths Mr Mack Mr Swan Mr Cleeland Mr Haviland Mr McLeav* Mr Tanner Ms Crawford Ms Henzell Mr Melham Dr Theophanous Mr Crean Mr Holding Mr A. A. Morris Mr Walker Mr Cunningham Mr Horne Mr P. F. Morris Mr Willis Mr Dawkins Mr Howe Mr Newell Mr Woods Ms Deahm Mr Humphreys Mr O'Connor Mr Dodd Mr Jenkins Mr O'Keefe Mr Duffy Mr Johns Mr Price **NOES**, 60 Mr Aldred Mr Evans Mr McArthur Mr Ronaldson Mr Anderson Mr Filing* Mr McGauran Mr Ruddock Mr J. N. Andrew Mr Fischer Mr MacKellar Mr B. C. Scott Mr K. J. Andrews Mr Forrest Mr McLachlan Mr Sharp Mr Atkinson Mrs Gallus Mr Miles Mr Sinclair Mr Hall Mr Beale Mr Moore Mr Slipper Mr Bradford Mr Halverson Mrs Moylan Mr Somlyay Mr Braithwaite Mr Hawker Mr Nehl Mrs Sullivan Mr Cadman Dr Hewson Mr Neville Mr Taylor Mr Cameron Mr Peacock Mr Hicks* Mr Tuckey Mr Carlton Mr Jull Mr Prosser Mr Vaile Mr Charles Mr Katter Mr Pyne Mr Wakelin Mr Cobb Dr Kemp Mr Reid Mr Williams Mr Costello Mr Lieberman Mr Reith Dr Wooldridge Mr Downer Mr Lloyd Mr Rocher Ms Worth

* Tellers

And so it was resolved in the affirmative.

The Member was, therefore, suspended at 2.38 p.m. for 24 hours under standing order 305, and he accordingly withdrew from the Chamber.

Questions without notice continued.

4 PHOTOGRAPHS OF PROCEEDINGS OF HOUSE—STATEMENT BY SPEAKER

The Speaker made a statement in response to a question asked of him yesterday by Mr Nehl concerning the presence of still photographers in the galleries during question time. The Speaker stated that towards the end of the last parliament, after consultation with party whips, photographers had been allowed access to question time. While long-term access would be considered as part of the present review of televising of proceedings of the House, as an interim measure, the Serjeant-at-Arms would continue to be advised and he would advise the Whips' offices when photographers were expected to be in the galleries.

5 BUDGET LEGISLATION—STATEMENT BY SPEAKER

The Speaker made a statement relating to a question asked of him yesterday by Mr Fischer (Leader of the National Party of Australia) concerning certain Budget *No. 15—1 September 1993*

related bills presently before the House and whether they were in conflict with standing order 214. The Speaker stated that, as he understood it, there was no issue of an infringement of the provisions of standing order 214 and advised the Member that he did not see it as a responsibility of the Speaker to provide general advice or make determinations on the constitutional position of bills before the House.

6 PAPER

The Speaker presented the following paper:

Public Service Act—Department of the House of Representatives—Report for 1992-93.

7 PAPERS

The following papers were presented:

Automotive Industry Authority Act—Automotive Industry Authority—Report for 1992-93.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Australian Defence Industries Ltd (ADI)—Report for—

1990-91.

1**991-92**.

National Health and Medical Research Council Act—National Health and Medical Research Council—Strategic plan, for period 24 June 1993 to 30 June 1994.

Public Service Act—Department of the Prime Minister and Cabinet—Report for 1992-93—Further addendum.

8 PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Beazley (Leader of the House) moved—That the House take note of the following papers:

Automotive Industry Authority Act—Automotive Industry Authority—Report for 1992-93.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Australian Defence Industries Ltd (ADI)—Report for—

1990-91.

1991-92.

National Health and Medical Research Council Act—National Health and Medical Research Council—Strategic plan, for period 24 June 1993 to 30 June 1994.

Public Service Act—Department of the Prime Minister and Cabinet—Report for 1992-93—Further addendum.

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

9 QANTAS SALE AMENDMENT BILL 1993

Mr Willis (Minister for Finance), pursuant to notice, presented a Bill for an Act to amend the *Qantas Sale Act 1992*.

Bill read a first time.

Mr Willis moved-That the Bill be now read a second time.

Paper: Mr Willis 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.

10 STATES GRANTS (GENERAL PURPOSES) BILL 1993

Mr Gear (Assistant Treasurer), pursuant to notice, presented a Bill for an Act to provide for grants to the States, the Northern Territory and the Australian Capital Territory.

Bill read a first time.

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

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

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

11 DEFENCE LEGISLATION AMENDMENT BILL 1993

Mr Punch (Parliamentary Secretary to the Minister for Defence), pursuant to notice, presented a Bill for an Act to amend Acts relating to defence, and for related purposes.

Bill read a first time.

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

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

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

12 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—RAAF WILLIAMS RATIONALISATION PROJECT, LAVERTON, VIC.

Mr Lee (Minister for Resources), for Mr Willis (Minister representing the Minister for the Arts and Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: RAAF Williams rationalisation project, Laverton, Vic.

Mr Lee presented plans in connection with the proposed work.

Question—put and passed.

13 SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 2) 1993

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 by Mr Ruddock who 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) condemns the Government for not protecting the interests of low income families, the elderly and the disadvantaged; and
- (2) calls on the Government to review its proposal to include as employer provided fringe benefits in the enhanced income test for family payments,

those benefits, which are provided as a condition of service or employment in non-metropolitan and special areas in particular, having particular regard to the circumstances faced by members of the defence forces and their families".

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

AYES 68

The House divided (the Deputy Speaker, Mr Newell, in the Chair)-

A123, 08			
Mr Adams	Mr Duncan	Mr Johns	Mr Quick
Mr Baldwin	Mrs Easson	Mr Jones	Mr Sawford*
Mr Beazley	Mr Elliott	Mrs Kelly	Mr Sciacca
Mr Beddall	Ms Fatin	Mr Kerin	Mr L. J. Scott
Mr Bevis	Mr Fitzgibbon	Mr Kerr	Mr Simmons
Mr Bilney	Mr Free	Mr Knott	Mrs S. J. Smith
Dr Blewett	Mr Gear	Mr Lavarch	Mr S. F. Smith
Mr Brown	Mr Gibson	Mr Lindsay	Mr Snow
Mr Campbell	Mr Griffin	Ms McHugh	Mr Snowdon
Mr Chynoweth	Mr Griffiths	Mr McLeay*	Mr Staples
Mr Cleeland	Mr Haviland	Mr Melham	Mr Swan
Ms Crawford	Ms Henzell	Mr A. A. Morris	Mr Tanner
Mr Cunningham	Mr Holding	Mr P. F. Morris	Dr Theophanous
Mr Dawkins	Mr Horne	Mr O'Connor	Mr Tickner
Ms Deahm	Mr Howe	Mr O'Keefe	Mr Walker
Mr Dodd	Mr Humphreys	Mr Price	Mr Willis
Mr Duffy	Mr Jenkins	Mr Punch	Mr Woods
	I	NOES, 54	
Mr Aldred	Mr Fischer	Mr Mack	Mr B. C. Scott
Mr Anderson	Mr Forrest	Mr MacKellar	Mr Sinclair
Mr J. N. Andrew	Mrs Gallus	Mr Miles	Mr Slipper
Mr K. J. Andrews	Mr Hall	Mr Moore	Mr Somlyay
Mr Atkinson	Mr Halverson	Mrs Moylan	Mrs Sullivan
		J	

Mr Aldred	Mr Fischer	Mr Mack	Mr B. C. Scott
Mr Anderson	Mr Forrest	Mr MacKellar	Mr Sinclair
Mr J. N. Andrew	Mrs Gallus	Mr Miles	Mr Slipper
Mr K. J. Andrews	Mr Hall	Mr Moore	Mr Somlyay
Mr Atkinson	Mr Halverson	Mrs Moylan	Mrs Sullivan
Mr Bradford	Mr Hawker	Mr Neville	Mr Taylor
Mr Braithwaite	Mr Hicks*	Mr Peacock	Mr Tuckey
Mr Cameron	Mr Jull	Mr Prosser	Mr Vaile
Mr Carlton	Mr Katter	Mr Pyne	Mr Wakelin
Mr Charles	Dr Kemp	Mr Reid	Mr Williams
Mr Cobb	Mr Lieberman	Mr Reith	Dr Wooldridge
Mr Costello	Mr Lloyd	Mr Rocher	Ms Worth
Mr Evans	Mr McArthur	Mr Ronaldson	
Mr Filing*	Mr McGauran	Mr Ruddock	

* Tellers

And so it was resolved in the affirmative.

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

Message from the Governor-General: Message No. 33, dated 17 August 1993, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), the Bill was read a third time.

14 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' BUSINESS NOTICES

Mr Lavarch (Attorney-General), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notices Nos. 3 and 4, private Members' business, being called on forthwith.

Question-put and passed.

15 UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF— DECLARATION BY ATTORNEY-GENERAL—MOTION FOR DISALLOWANCE

Mr Williams, pursuant to notice, moved—That this House:

- (a) recognising that everyone should have the right to freedom of thought, conscience and religion;
- (b) recognising that it is essential to promote understanding, tolerance and respect in matters relating to freedom of thought, conscience and religion;
- (c) noting that on 8 February 1993 the Attorney-General declared under subsection 47(1) of the Human Rights and Equal Opportunity Commission Act 1986 that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief proclaimed by the General Assembly of the United Nations on 25 November 1981 (resolution 36/55) is an international instrument relating to human rights and freedoms for the purposes of that Act; and
- (d) noting that it is desirable that there be appropriate opportunities for public consideration and parliamentary debate of the Declaration—

disallows the declaration by the Attorney-General.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr Jenkins, in the Chair)-

AYES, 50

Mr Aldred Mr Anderson Mr J. N. Andrew Mr K. J. Andrews Mr Atkinson Mr Bradford Mr Braithwaite Mr Cadman Mr Cameron Mr Carlton Mr Charles Mr Cobb Mr Costello

Mr Evans Mr Filing* Mr Fischer Mr Forrest Mrs Gallus Mr Hall Mr Halverson Mr Hawker Mr Hicks* Mr Jull Mr Katter Mr Lieberman Mr Lloyd

Mr McGauran Mr Mack Mr MacKellar Mr Miles Mrs Moylan Mr Nehl Mr Neville Mr Peacock Mr Pyne Mr Reid Mr Reith Mr Rocher

Mr McArthur

Mr Ronaldson Mr Ruddock Mr B. C. Scott Mr Sinclair Mr Somlyay Mrs Sullivan Mr Taylor Mr Vaile Mr Wakelin Mr Williams Ms Worth

Mr Adams Mr Baldwin Mr Beazley Mr Beddall	Mr Duncan Mrs Easson Mr Elliott Ms Fatin	Mr Johns Mr Jones Mrs Kelly Mr Kerin	Mr Punch Mr Quick Mr Sawford* Mr Sciacca
Mr Bevis Mr Bilney	Mr Ferguson Mr Fitzgibbon	Mr Kerr Mr Knott	Mr L. J. Scott Mr Simmons
Dr Blewett	Mr Free	Mr Langmore	Mrs S. J. Smith
Mr Brown	Mr Gear	Mr Lavarch	Mr S. F. Smith
Mr Campbell	Mr Gibson	Mr Lindsay	Mr Snow
Mr Chynoweth	Mr Gorman	Ms McHugh	Mr Snowdon
Mr Cleary	Mr Griffin	Mr McLeay*	Mr Staples
Mr Cleeland	Mr Griffiths	Mr Melham	Mr Swan
Ms Crawford	Mr Haviland	Mr A. A. Morris	Mr Tanner
Mr Cunningham	Ms Henzell	Mr P. F. Morris	Dr Theophanous
Mr Dawkins	Mr Holding	Mr Newell	Mr Tickner
Ms Deahm	Mr Horne	Mr O'Connor	Mr Walker
Mr Dodd	Mr Howe	Mr O'Keefe	Mr Willis
Mr Duffy	Mr Humphreys	Mr Price	Mr Woods

NOES, 72

* Tellers

And so it was negatived.

16 UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD-DECLARATION BY ATTORNEY-GENERAL-MOTION FOR DISALLOWANCE

Mr Williams, pursuant to notice, moved—That this House:

- (a) recognising that:
 - (i) everyone is entitled to fundamental rights and freedoms without distinction such as based on race, sex, religion or nationality; and
 - (ii) the child by reason of physical and mental immaturity needs special safeguards and care; and
- (b) noting that:
 - (i) on 20 November 1989 the UN General Assembly adopted the Convention on the Rights of the Child (resolution 44/25);
 - (ii) on 7 November 1990 the Minister for Justice and Consumer Affairs advised the Senate that it would be surprising if, when Australia ratified the Convention, a reservation was not made acknowledging the pre-eminent role of the family so that in effect the Articles of the Convention would be interpreted in a way that safeguarded the primary and inalienable rights of parents;
 - (iii) when, on 17 December 1990, the Government ratified the Convention, it made no such reservation;
 - (iv) on 22 December 1992 the Attorney-General declared under subsection 47(1) of the Human Rights and Equal Opportunity Commission Act 1986 that the Convention is an international instrument relating to human rights and freedoms for the purposes of that Act; and
 - (v) in the circumstances, there has been widespread concern in the community about the potential effect of the Convention on the family in Australia—

disallows the declaration by the Attorney-General.

Debate ensued.

Mr Charles rising to address the House---

Closure: Mr McLeay moved—That the question be now put. Question—That the question be now put—put. The House divided (the Deputy Speaker, Mr Reid, in the Chair)—

AYES, 75

Mr Adams Mr Baldwin	Mrs Easson Mr Elliott	Mr Johns Mr Jones	Mr Punch Mr Quick
Mr Beazley	Ms Fatin	Mrs Kelly	Mr Sawford*
Mr Beddall	Mr Ferguson	Mr Kerin	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mr Kerr	Mr L. J. Scott
Mr Bilney	Mr Free	Mr Knott	Mr Simmons
Dr Blewett	Mr Gear	Mr Langmore	Mrs S. J. Smith
Mr Brown	Mr Gibson	Mr Lavarch	Mr S. F. Smith
Mr Campbell	Mr Gorman	Mr Lee	Mr Snow
Mr Chynoweth	Mr Griffin	Mr Lindsay	Mr Snowdon
Mr Cleary	Mr Griffiths	Ms McHugh	Mr Staples
Mr Cleeland	Mr Haviland	Mr McLeay*	Mr Swan
Ms Crawford	Ms Henzell	Mr Melham	Mr Tanner
Mr Cunningham	Mr Holding	Mr A. A. Morris	Dr Theophanous
Mr Dawkins	Mr Hollis	Mr P. F. Morris	Mr Tickner
Ms Deahm	Mr Horne	Mr Newell	Mr Walker
Mr Dodd	Mr Howe	Mr O'Connor	Mr Willis
Mr Duffy	Mr Humphreys	Mr O'Keefe	Mr Woods
Mr Duncan	Mr Jenkins	Mr Price	ini woods
NOES, 52			
Mr Aldred	Mr Evans	Mr McArthur	Mr Ronaldson
Mr Anderson	Mr Filing*	Mr McGauran	Mr Ruddock
Mr J. N. Andrew	Mr Fischer	Mr Mack	Mr B. C. Scott
Mr K. J. Andrews	Mr Forrest	Mr MacKellar	Mr Sharp
Mr Atkinson	Mrs Gallus	Mr Miles	Mr Sinclair
Mr Bradford	Mr Hall	Mr Moore	Mr Somlyay
Mr Braithwaite	Mr Halverson	Mrs Moylan	Mrs Sullivan
Mr Cadman	Mr Hawker	Mr Nehl	Mr Taylor
Mr Cameron	Mr Hicks*	Mr Neville	Mr Vaile
Mr Carlton	Mr Jull	Mr Peacock	Mr Wakelin
Mr Charles	Mr Katter	Mr Pyne	Mr Williams
Mr Cobb	Mr Lieberman	Mr Reith	Dr Wooldridge
Mr Costello	Mr Lloyd	Mr Rocher	Ms Worth

* 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 Speaker, Mr Martin, in the Chair)—

AYES, 52

Mr Aldred	Mr Evans	Mr McGauran	Mr Ronaldson
Mr Anderson	Mr Filing*	Mr Mack	Mr Ruddock
Mr J. N. Andrew	Mr Fischer	Mr MacKellar	Mr B. C. Scott
Mr K. J. Andrews	Mr Forrest	Mr Miles	Mr Sharp
Mr Atkinson	Mrs Gallus	Mr Moore	Mr Sinclair
Mr Bradford	Mr Halverson	Mrs Moylan	Mr Somlyay
Mr Braithwaite	Mr Hawker	Mr Nehl	Mrs Sullivan
Mr Cadman	Mr Hicks*	Mr Neville	Mr Taylor
Mr Cameron	Mr Jull	Mr Peacock	Mr Vaile
Mr Carlton	Mr Katter	Mr Pyne	Mr Wakelin
Mr Charles	Mr Lieberman	Mr Reid	Mr Williams
Mr Cobb	Mr Lloyd	Mr Reith	Dr Wooldridge
Mr Costello	Mr McArthur	Mr Rocher	Ms Worth

Mr Adams Mr Baldwin Mr Beazley Mr Beddall Mr Bevis Mr Bilney Dr Blewett Mr Brown Mr Campbell Mr Chynoweth Mr Cleary Mr Cleeland Ms Crawford	Mrs Easson Mr Elliott Ms Fatin Mr Ferguson Mr Fitzgibbon Mr Free Mr Gear Mr Gibson Mr Gorman Mr Griffin Mr Griffin Mr Haviland
Mr Cleary Mr Cleeland	Mr Hall

NOES. 75 Mr Johns Mr Jones Mrs Kelly Mr Kerin Mr Kerr Mr Knott Mr Langmore Mr Lavarch Mr Lee Mr Lindsay Ms McHugh Mr McLeay* Mr Melham Mr A. A. Morris Mr P. F. Morris Mr Newell Mr O'Connor Mr O'Keefe Mr Price

Mr Punch Mr Ouick Mr Sawford* Mr Sciacca Mr L. J. Scott Mr Simmons Mrs S. J. Smith Mr S. F. Smith Mr Snow Mr Snowdon Mr Staples Mr Swan Mr Tanner Dr Theophanous Mr Tickner Mr Walker Mr Willis Mr Woods

* Tellers

And so it was negatived.

17 ADJOURNMENT

Mr Beazley (Leader of the House) moved-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 9.30 a.m.

PAPER

The following paper was deemed to have been presented on 1 September 1993:

Defence Housing Authority Act—Statement under section 10 relating to a joint venture between the Defence Housing Authority and Delfin Property Group Limited, August 1993.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Connolly, Mrs Crosio, Mr Dobie, Mr Grace and Mr Howard.

L. M. BARLIN

Clerk of the House of Representatives

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