

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 23

TUESDAY, 5 OCTOBER 1993

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

**2 MINISTERIAL ARRANGEMENTS**

Mr Keating (Prime Minister) informed the House that, during the absence of Mr Howe (Minister for Housing, Local Government and Community Services), Mr Baldwin (Minister for Social Security) would answer questions on his behalf.

**3 QUESTIONS**

Questions without notice were asked.

**4 PAPER**

Mr Gear (Assistant Treasurer) presented the following paper:

Replacement explanatory memorandum to the following Bills:

Sales Tax Assessment Amendment (Deficit Reduction) 1993;

Sales Tax (Customs) (Deficit Reduction) 1993;

Sales Tax (Excise) (Deficit Reduction) 1993;

Sales Tax (General) (Deficit Reduction) 1993; and

Sales Tax (In Situ Pools) (Deficit Reduction) 1993.

**5 MESSAGES FROM THE SENATE**

Messages from the Senate, dated 30 September 1993, were reported acquainting the House that:

(a) Senator Denman had been appointed a member of the Joint Committee of Public Accounts—Message No. 68.

(b) Senator Chamarette had been discharged from attendance on the Joint Standing Committee on Foreign Affairs, Defence and Trade and that Senator Margetts had been appointed a member of the committee—Message No. 70.

**6 MESSAGE FROM THE SENATE—ROAD TRANSPORT REFORM (VEHICLES AND TRAFFIC) BILL 1993**

Message No. 69, dated 30 September 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to assist in the adoption of nationally uniform or consistent road transport laws*".

Bill read a first time.

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport and Communications) moved—That the Bill be now read a second time.

*Paper:* Mr O'Keefe presented an explanatory memorandum to the Bill.

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

**7 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—HMAS CERBERUS TECHNICAL TRAINING AND OTHER FACILITIES, WESTERNPORT, VIC.**

Mrs Crosio (Parliamentary Secretary to 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: HMAS *Cerberus* technical training and other facilities at Westernport, Vic.

Mrs Crosio presented plans in connection with the proposed work.

Question—put and passed.

**8 PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL 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.

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

The House resolved itself into a committee of the whole.

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*In the committee*

Bill, by leave, taken as a whole.

Mr Lee (Minister for Resources), by leave, moved the following amendments together:

*Amendments—*

Clause 21—

Page 7, line 34, omit “the manufacturer is liable to pay to the Corporation”, substitute “the market support payments that would otherwise be payable to the manufacturer under section 94 are, despite any other provision of this Division, reduced by”.

Page 8, lines 4 to 6, omit proposed subsection (3), substitute the following subsection:

“(3) The Corporation is to determine whether the market support payments that would otherwise be payable to a manufacturer of dairy produce under section 94 are reduced under subsection (2) of this section and, if so, the amount of the reduction.”.

Page 8, lines 9 to 11, omit proposed subsection (5).

*New clause—*

After clause 25, page 9, insert the following new clause:

“25A. After section 9 of the Principal Act the following section is inserted:

**Act not to apply so as to exceed Commonwealth power**

‘9A. (1) Unless the contrary intention appears, if a provision of this Act:

- (a) would, apart from this section, have an invalid application; but
- (b) also has at least one valid application;

it is the Parliament’s intention that the provision is not to have the invalid application, but is to have every valid application.

‘(2) Despite subsection (1), the provision is not to have a particular valid application if:

- (a) apart from this section, it is clear, taking into account the provision’s context and the purpose or object underlying this Act, that the provision was intended to have that valid application only if every invalid application, or a particular invalid application, of the provision had also been within the Commonwealth’s legislative power; or
- (b) the provision’s operation in relation to that valid application would be different in a substantial respect from what would have been its operation in relation to that valid application if every invalid application of the provision had been within the Commonwealth’s legislative power.

‘(3) Subsection (2) does not limit the cases where a contrary intention may be taken to appear for the purposes of subsection (1).

‘(4) This section applies to a provision of this Act, whether enacted before, at or after the commencement of this section.

‘(5) In this section:

“**application**” means an application in relation to:

- (a) one or more particular persons, things, matters, places, circumstances or cases; or
- (b) one or more classes (however defined or determined) of persons, things, matters, places, circumstances or cases;

“**invalid application**”, in relation to a provision, means an application because of which the provision exceeds the Commonwealth’s legislative power;

“**valid application**”, in relation to a provision, means an application that, if it were the provision’s only application, would be within the Commonwealth’s legislative power.’.”

*Paper:* Mr Lee presented a supplementary explanatory memorandum to the Bill.

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The House resumed; Mr J. N. Andrew reported accordingly.

On the motion of Mr Lee, by leave, the House adopted the report.

Mr Lee, by leave, moved—That the Bill be now read a third time.

Debate ensued.

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

**9 APPROPRIATION BILL (NO. 1) 1993-94**

The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

—————  
*In the committee*

Schedule 3—

Proposed expenditures—

Department of the Prime Minister and Cabinet, \$1 081 431 000—

Department of Finance, \$206 462 000—

Department of the Treasury, \$1 500 546 000—

Advance to the Minister for Finance, \$170 000 000—

Provision for Running Costs Borrowings, \$20 000 000—

together—

Mr Howard moved, as an amendment—That the proposed expenditure for the Department of the Prime Minister and Cabinet be reduced by \$10.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Deputy Chairman, Mr Dobie, in the Chair)—

AYES, 55

Mr Aldred	Mr Evans	Mr Mack	Mr Ruddock
Mr Anderson	Mr Fischer	Mr MacKellar	Mr B. C. Scott
Mr J. N. Andrew	Mr Forrest	Mr McLachlan	Mr Sharp
Mr K. J. Andrews	Mrs Gallus	Mr Miles	Mr Slipper
Mr Atkinson*	Mr Hall	Mrs Moylan	Mrs Sullivan
Mr Beale	Mr Halverson	Mr Nehl	Mr Taylor
Mr Bradford	Mr Hawker	Mr Neville	Mr Truss
Mr Braithwaite	Mr Hicks*	Mr Nugent	Mr Tuckey
Mr Cadman	Mr Howard	Mr Prosser	Mr Vaile
Mr Cameron	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 McArthur	Mr Rocher	Ms Worth
Mr Downer	Mr McGauran	Mr Ronaldson	

NOES, 69

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

\* Tellers

And so it was negatived.

Proposed expenditures agreed to.

Proposed expenditure—Attorney-General's Department, \$796 425 000—debated and agreed to.

Proposed expenditure—Department of Transport and Communications, \$1 034 813 000—debated and agreed to.

Proposed expenditure—Department of Employment, Education and Training, \$2 663 638 000—debated.

Progress to be reported, and leave asked to sit again.

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The House resumed; Mr Snow reported accordingly.

Ordered—That the House will, at the next sitting, again resolve itself into the said committee.

## 10 ADJOURNMENT

Mr Baldwin (Minister for Social Security) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until after midnight—

WEDNESDAY, 6 OCTOBER 1993

Debate continued.

Question—put and passed.

And then the House, at 12.01 a.m., adjourned until this day at 10 a.m.

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**PAPERS**

The following papers were deemed to have been presented on 5 October 1993:

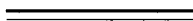
Currency Act—Determinations—1993 Nos. 9, 10.

Lands Acquisition Act—Statements (2) under subsection 40(1).

National Health Act—Instrument for the purposes of paragraph 40AA(6)(ce), 7 September 1993.

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Carlton, Mr Cleeland, Mr Duffy, Mr Elliott, Mr Howe, Mr Jones, Mr Peacock, Mr Simmons, Mr Sinclair and Mr Somlyay.



**L. M. BARLIN**

Clerk of the House of Representatives