

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 28

WEDNESDAY, 20 OCTOBER 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 **TELEVISIONING OF PROCEEDINGS—CONDITIONS FOR BROADCASTERS**

Mr Beazley (Leader of the House), pursuant to notice, moved—That:

(1) The proposed conditions for broadcasters appended to the report dated October 1993 of the House of Representatives Standing Committee on the Televising of the House of Representatives on the review of the arrangements for the televising of the House of Representatives, be amended—

(a) by omitting condition 4 (Withdrawn Remarks) and substituting the following condition:

“4. Withdrawn Remarks

Remarks in respect of which a Member claims misrepresentation or otherwise seeks withdrawal, and which are subsequently ordered to be withdrawn, or are voluntarily withdrawn, are not to be rebroadcast.”;

(b) by inserting after condition 4 the following condition:

“4A. Points of order

Points of order, and matters claimed to be points of order, are not to be re-broadcast.”; and

(c) by inserting after condition 5 the following condition:

“6. Penalties

Non-compliance with the guidelines listed above may incur the following penalties for the stations involved:

(i) first breach—access to the broadcast service withdrawn for three sitting days;

(ii) second breach—access to the broadcast service withdrawn for six sitting days;

(iii) such other penalty as is agreed by the Standing Committee on the Televising of the House of Representatives.

Breaches of the guidelines shall be considered and determined by the Standing Committee on the Televising of the House of Representatives.”.

(2) These amendments to the conditions have immediate effect.

Debate ensued.

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

Question—That the question be now put—put.

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

AYES, 72

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

NOES, 62

Mr Aldred	Mr Filing*	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 Sinclair
Mr Atkinson	Mr Hall	Mr Moore	Mr Slipper
Mr Bradford	Mr Halverson	Mrs Moylan	Mrs Sullivan
Mr Braithwaite	Mr Hawker	Mr Nehl	Mr Taylor
Mr Cadman	Dr Hewson	Mr Neville	Mr Truss
Mr Cameron	Mr Hicks*	Mr Nugent	Mr Tuckey
Mr Carlton	Mr Howard	Mr Peacock	Mr Vaile
Mr Charles	Mr Jull	Mr Prosser	Mr Wakelin
Mr Cleary	Mr Katter	Mr Pyne	Mr Williams
Mr Cobb	Mr Lieberman	Mr Reid	Dr Wooldridge
Mr Costello	Mr Lloyd	Mr Reith	Ms Worth
Mr Downer	Mr McArthur	Mr Rocher	
Mr Evans	Mr McGauran	Mr Ronaldson	

* 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, 72

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

NOES, 62

Mr Aldred	Mr Filing*	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 Sinclair
Mr Atkinson	Mr Hall	Mr Moore	Mr Slipper
Mr Bradford	Mr Halverson	Mrs Moylan	Mrs Sullivan
Mr Braithwaite	Mr Hawker	Mr Nehl	Mr Taylor
Mr Cadman	Dr Hewson	Mr Neville	Mr Truss
Mr Cameron	Mr Hicks*	Mr Nugent	Mr Tuckey
Mr Carlton	Mr Howard	Mr Peacock	Mr Vaile
Mr Charles	Mr Jull	Mr Prosser	Mr Wakelin
Mr Cleary	Mr Katter	Mr Pyne	Mr Williams
Mr Cobb	Mr Lieberman	Mr Reid	Dr Wooldridge
Mr Costello	Mr Lloyd	Mr Reith	Ms Worth
Mr Downer	Mr McArthur	Mr Rocher	
Mr Evans	Mr McGauran	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

3 SPEAKER'S RULING—DISSENT FROM RULING MOVED

Point of order: Mr Howard raised a point of order requesting withdrawal of remarks allegedly made by Mr Keating (Prime Minister) during a division—

Statement by Speaker: The Speaker stated that he had not heard the remarks and that the matter ended there.

Proposed dissent from ruling: Mr Howard proposing to move—That the ruling be dissented from—

Statement by Speaker: The Speaker stated that he had given an explanation of the matter.

Speaker's ruling: The Speaker then ruled that he had given an explanation of the matter.

Dissent from ruling moved: Mr Howard moved—That the ruling be dissented from.

Debate ensued.

Closure: Mr Beazley (Leader of the House) moved—That the question be now put.

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

And the question—That the ruling be dissented from—being accordingly put—

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

AYES, 61

Mr Aldred	Mr Filing*	Mr MacKellar	Mr B. C. Scott
Mr Anderson	Mr Fischer	Mr McLachlan	Mr Sharp
Mr K. J. Andrews	Mr Forrest	Mr Miles	Mr Sinclair
Mr Atkinson	Mrs Gallus	Mr Moore	Mr Slipper
Mr Beale	Mr Hall	Mrs Moylan	Mrs Sullivan
Mr Bradford	Mr Halverson	Mr Nehl	Mr Taylor
Mr Braithwaite	Mr Hawker	Mr Neville	Mr Truss
Mr Cadman	Dr Hewson	Mr Nugent	Mr Tuckey
Mr Cameron	Mr Hicks*	Mr Peacock	Mr Vaile
Mr Carlton	Mr Howard	Mr Prosser	Mr Wakelin
Mr Charles	Mr Jull	Mr Pyne	Mr Williams
Mr Cobb	Mr Katter	Mr Reid	Dr Wooldridge
Mr Connolly	Mr Lieberman	Mr Reith	Ms Worth
Mr Costello	Mr Lloyd	Mr Rocher	
Mr Downer	Mr McArthur	Mr Ronaldson	
Mr Evans	Mr McGauran	Mr Ruddock	

NOES, 73

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

* Tellers

And so it was negated.

4 QUESTIONS

Questions without notice were asked.

5 PAPERS

The following papers were presented:

Dairy Produce Act—Australian Dairy Corporation—Report for 1992-93.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Human Rights and Mental Illness: Report of the national inquiry into the human rights of people with mental illness—Volumes 1 and 2.

National Debt Sinking Fund Act—National Debt Commission—70th report, for 1992-93.

Torres Strait Fisheries Act—Protected Zone Joint Authority—Report for 1991-92.

6 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Dairy Produce Act—Australian Dairy Corporation—Report for 1992-93.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Human Rights and Mental Illness: Report of the national inquiry into the human rights of people with mental illness—Volumes 1 and 2.

National Debt Sinking Fund Act—National Debt Commission—70th report, for 1992-93.

Torres Strait Fisheries Act—Protected Zone Joint Authority—Report for 1991-92.

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

7 ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) 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—

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

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. 48, dated 6 September 1993, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

8 VETERANS' AFFAIRS 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—

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

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. 49, dated 8 October 1993, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

9 CHILDCARE REBATE 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.

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

Eligibility for benefits—Copy of letter from M. E. Kernaghan, to Federal Members, Parliament House, 1 June 1993.

Debate continued.

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

Message from the Governor-General: Message No. 50, dated 8 October 1993, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 59, by leave, taken together.

Mrs Sullivan, by leave, moved the following amendments together:

Clause 4—

Page 2, after the definition of “claim” insert the following definition:

“ ‘**combined family income**’, in relation to a family, means the sum of the taxable income in a relevant year of a person forming part of a family for the purposes of subsection 5(1), and the income of the partner (if any) of the person, as defined in subsection 5(1) or (2);”.

Page 3, after the definition of “registered family” insert the following definition:

“ ‘**relevant year**’, in relation to the combined family income of a family, means the financial year immediately preceding the year in which a claim is lodged;”.

Clause 33, page 13, after paragraph (e) insert the following paragraph:

“(ea) the combined family income of the family for the relevant year; and”.

Clause 36, page 14, after paragraph (a) insert the following paragraph:

“(aa) the combined family income of the family for the relevant year exceeded \$60,000;”.

Clause 40, page 15, omit the clause, substitute the following clause:

Overall calculation of the amount payable

“**40. (1)** Subject to subsections (2) and (3), the amount of childcare rebate payable in respect of a claim is the amount equal to the sum of each of the amounts payable under Subdivision C in respect of a week to which the claim relates.

Note: Under Subdivision C, amounts of rebate are worked out for each week, based on each weekly child care expenditure worked out under Subdivision B. To work out the claimant’s entitlement, the Commission adds together all the amounts of rebate for the weeks covered by the claim.

“(2) Subject to the provisions of this Act:

- (a) the maximum rate of childcare rebate is payable in respect of a claim lodged by a parental member of a family with a combined family income of \$50,000 or less in the relevant year;
- (b) no childcare rebate is payable in respect of a claim lodged by a parental member of a family with a combined family income of more than \$60,000 in the relevant year;

- (c) childcare rebate is payable in respect of claims lodged by parental members of families with combined family incomes greater than \$50,000 but less than \$60,001 in the relevant year in accordance with a scale to be prescribed in the regulations to provide for a progressive reduction in the rebate payable so that the rebate payable is reduced in equal increments after the combined family income exceeds \$50,000 until no rebate is payable where the relevant combined family income exceeds \$60,000.

“(3) The amount is to be rounded upwards to the nearest 5 cents.”.

Debate continued.

Amendments negatived.

Clauses agreed to.

Clause 60—

Paper: Dr Theophanous (Parliamentary Secretary to the Minister for Housing, Local Government and Community Services) presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

Clause negatived.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill to be reported with an amendment.

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

Limitation of debate: At 5 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

Question—That the report be adopted and the Bill be now read a third time—put and passed—Bill read a third time.

10 AUSTRALIAN NATIONAL TRAINING AUTHORITY 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.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), the Bill was read a third time.

11 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) 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.

Message from the Governor-General: Message No. 51, dated 5 October 1993, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 and 2, by leave, taken together, and agreed to.

Clauses 3 to 13, by leave, taken together, and agreed to, after debate.

Clauses 14 to 43 and Schedule 1, by leave, taken together, and agreed to, after debate.

Schedule 2—

Mr Free (Minister for Schools, Vocational Education and Training) moved the following amendment:

Page 35, Schedule 1 to the Principal Act, Part 2, omit the Part, substitute the following Part:

“PART 2—1994

Column 1 State	Column 2 General grants
	\$
New South Wales	67,603,000
Victoria	47,690,000
Queensland	35,829,000
Western Australia	19,743,000
South Australia	16,753,000
Tasmania	5,870,000
Australian Capital Territory	3,670,000
Northern Territory	2,394,000
Total	199,552,000

Note: This Schedule presently contains only Parts 1 and 2, which relate in capital grants for government schools in 1993 and 1994. It is proposed to insert additional Parts, relating to later years, by subsequent amending Acts.”.

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

Amendment agreed to.

Schedule, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill to be reported with an amendment.

The House resumed; Mr Jenkins reported accordingly.

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

12 VOCATIONAL EDUCATION AND TRAINING FUNDING LAWS 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.

Message from the Governor-General: Message No. 52, dated 5 October 1993, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Free (Minister for Schools, Vocational Education and Training), by leave, moved the following amendments together:

Amendments—

Clause 2—

Page 1, subclause (1), line 7, after “except for” insert “Division 1 of Part 1A,”.

Page 2, subclause (2), line 1, after “subsection (3),” insert “Division 1 of Part 1A,”.

Page 2, subclause (3), line 6, after “January 1994,” insert “Division 1 of Part 1A,”.

New Part—

After clause 2, page 2, insert the following new Part:

**“PART 1A—AMENDMENTS ALLOWING MINISTER TO WITHHOLD
CERTAIN VOCATIONAL EDUCATION AND TRAINING FUNDING**

*“Division 1—Amendment of the Vocational Education and Training
Funding Act 1992*

Principal Act

“2A. In this Division, ‘Principal Act’ means the *Vocational Education and Training Funding Act 1992*¹.

Interpretation

“2B. Section 8 of the Principal Act is amended by omitting the definition of ‘State’.

Funds for allocation by the Authority

“2C. Section 9 of the Principal Act is amended by omitting subsection (2).

*“Division 2—Amendment of the Australian National Training Authority Act
1992*

Principal Act

“2D. In this Division, ‘Principal Act’ means the *Australian National Training Authority Act 1992*².

Allocation of funds by the Authority

“2E. Section 13 of the Principal Act is amended by omitting from subsection (9) ‘section 14’ and substituting ‘sections 14 and 14A.’

Payment of funds by the Authority

“2F. Section 14 of the Principal Act is amended by adding at the end the following subsection:

‘(7) This section has effect subject to section 14A.’

“2G. After section 14 of the Principal Act the following section is inserted:

Commonwealth Minister may restrict amount payable to a State

‘14A.(1) This section applies in respect of the year 1994 and the year 1995.

‘(2) The Minister may, by written notice given to the Authority before the start of a year, direct that the Authority must not allocate or pay any, or more than a specified amount, of the VET funding (including funds for expenditure on national projects or for expenditure of a capital nature) available for allocation by the Authority in respect of the year to a particular State.

‘(3) The Minister may give a notice under subsection (2) only if, in the Minister’s opinion, the State has failed to comply with the Statement.

‘(4) The Minister must not amend or vary a notice given under subsection (2) so as to reduce an amount specified in the notice.

‘(5) The Authority must comply with a direction in a notice given under subsection (2).’”.

Amendment—

Heading to Part 2, page 2, line 7, add at the end “RELATING TO CHANGES IN FUNDING LEVELS”.

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

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Snow reported accordingly.

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

13 PAPER

Mr Gear (Assistant Treasurer) presented the following paper:

Statement of declaration of designated day for the purposes of each of the following Acts:

Sales Tax (Customs) (Wine—Deficit Reduction) 1993;

Sales Tax (Excise) (Wine—Deficit Reduction) 1993; and

Sales Tax (General) (Wine—Deficit Reduction) 1993.

14 SOCIAL SECURITY 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 opposing the provisions of the Bill, the House condemns the Government for:

- (1) its failure to inform the Australian people of its intention to apply the basic family payment and assets test to student parents, reduce the income ceiling and assets value limit for family payment, and limit arrears of family payment; and
- (2) the inequity of the Budget which treats low income earners in a harsher manner than high income earners, and its failure to maintain a fair and equitable income distribution parity; and further
- (3) its inability to deal with the problem of long term unemployment, and the consequent social dislocation”.

Debate continued.

Limitation of debate: At 11.30 p.m., the Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

Amendment negatived.

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. 53, dated 6 September 1993, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

15 ADJOURNMENT

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11.58 p.m., adjourned until tomorrow at 9.30 a.m.

PAPER

The following paper was deemed to have been presented on 20 October 1993:

Aboriginal and Torres Strait Islander Heritage Protection Act—Declaration pursuant to section 12.

ATTENDANCE

All Members attended (at some time during the sitting) except Ms Crawford, Mr Dawkins, Mr Dobie, Mr Jones, Mr Kerin, Mr Punch, Mr Simmons, Mr Somlyay and Mr Walker.

L. M. BARLIN

Clerk of the House of Representatives