

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 33

TUESDAY, 16 NOVEMBER 1993

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

**2 PRIVILEGE—COMPLAINT OF BREACH**

Mr Howard raised a matter of privilege in connection with an article by Mr Laurie Oakes published in the *Bulletin* of 9 November 1993. Mr Howard referred to alleged remarks and actions of the Prime Minister which, Mr Howard said, were calculated to deny the Speaker independence in his office.

The Speaker stated that he would consider the matter and report back to the House.

**3 DEATH OF FORMER SENATOR (THE HONOURABLE JUSTIN O'BYRNE)**

Mr Keating (Prime Minister) referred to the death of the Honourable J. H. O'Byrne and moved—That the House expresses its deep regret at the death on 10 November 1993 of the Honourable Justin Hilary O'Byrne, AO, Senator for the State of Tasmania from 1946 to 1981, President of the Senate from 1974 to 1976, places on record its appreciation of his long and meritorious public service, and tenders its profound sympathy to his family in their bereavement.

And Dr Hewson (Leader of the Opposition) having seconded the motion, and Mr Fischer (Leader of the National Party of Australia) and other Members having addressed the House in support thereof, and all Members present having risen, in silence—

Question—passed.

**4 MINISTERIAL ARRANGEMENTS**

Mr Keating (Prime Minister) informed the House that, during the absence of Mr Lavarch (Attorney-General), Ms McHugh (Minister for Consumer Affairs) would answer questions on his behalf.

**5 QUESTIONS**

Questions without notice were asked.

**6 PAPERS**

The Speaker presented the following papers:

Commonwealth Banks Act—

Commonwealth Bank of Australia and controlled entities—Report for 1992-93.

Commonwealth Development Bank of Australia—Financial statements for 1992-93.

**7 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER AND REFERENCE TO COMMITTEE**

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 9 of 1993-94—Efficiency audit—Community Cultural, Recreational and Sporting Facilities Program.

Mr Beazley (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 9 of 1993-94;
- (2) the report be printed; and
- (3) the report be referred to the Standing Committee on Environment, Recreation and the Arts.

Question—put and passed.

**8 PAPERS**

The following papers were presented:

Australian Federal Police Act—Australian Federal Police—Report for 1992-93.

Civil Aviation Act—Civil Aviation Authority—Report for 1992-93.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Cocos (Keeling) Islands Inquiry—Reports—  
3rd (1993).

Supplementary (1993).

Complaints (Australian Federal Police) Act—Federal Police Disciplinary Tribunal—Report for 1992-93.

Employment, Education and Training Act—National Board of Employment, Education and Training—Reports—Australian Research Council, including the Board's comments—Reviews of grants outcomes—

No. 1—Economics 1986-1990, July 1993.

No. 8—Materials and chemical engineering 1987-1991, July 1993.

No. 10—Organic chemistry 1987-1991, July 1993.

No. 11—Fluid mechanics 1986-1990, July 1993.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—

Health Insurance Commission—Report for 1992-93.

Reserve Bank of Australia—Report for 1992-93.

High Court of Australia Act—High Court of Australia—Report for 1992-93.

Immigration Review Tribunal—Report for 1992-93.  
Industry Research and Development Act—Industry Research and Development Board—Report for 1992-93.  
International Air Services Commission Act—International Air Services Commission—Report for 1992-93.  
Legal and Constitutional Affairs—Standing Committee—Report—Australian Law in Antarctica—Copy of letter from the Hon. Ros Kelly, MP, Minister for the Environment, Sport and Territories, to Mr Melham, MP, Chairman, relating to the delay in the Government's response, 28 October 1993.  
National Library Act—National Library of Australia—33rd report, for 1992-93.  
National Treatment Monitoring Committee—Report for 1992-93.  
Primary Industries and Energy Research and Development Act—Dairy Research and Development Corporation—Report for 1992-93.  
Qantas Airways Limited—Report for 1992-93.  
Resource Assessment Commission Act—Resource Assessment Commission—Report for 1992-93.

**9 PAPERS—MOTION TO TAKE NOTE OF PAPERS**

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

Australian Federal Police Act—Australian Federal Police—Report for 1992-93.  
Civil Aviation Act—Civil Aviation Authority—Report for 1992-93.  
Commonwealth Grants Commission Act—Commonwealth Grants Commission—Cocos (Keeling) Islands Inquiry—Reports—  
3rd (1993).  
Supplementary (1993).  
Complaints (Australian Federal Police) Act—Federal Police Disciplinary Tribunal—Report for 1992-93.  
Employment, Education and Training Act—National Board of Employment, Education and Training—Reports—Australian Research Council, including the Board's comments—Reviews of grants outcomes—  
No. 1—Economics 1986-1990, July 1993.  
No. 8—Materials and chemical engineering 1987-1991, July 1993.  
No. 10—Organic chemistry 1987-1991, July 1993.  
No. 11—Fluid mechanics 1986-1990, July 1993.  
Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—  
Health Insurance Commission—Report for 1992-93.  
Reserve Bank of Australia—Report for 1992-93.  
High Court of Australia Act—High Court of Australia—Report for 1992-93.  
Immigration Review Tribunal—Report for 1992-93.  
Industry Research and Development Act—Industry Research and Development Board—Report for 1992-93.  
International Air Services Commission Act—International Air Services Commission—Report for 1992-93.

Legal and Constitutional Affairs—Standing Committee—Report—Australian Law in Antarctica—Copy of letter from the Hon. Ros Kelly, MP, Minister for the Environment, Sport and Territories, to Mr Melham, MP, Chairman, relating to the delay in the Government's response, 28 October 1993.

National Library Act—National Library of Australia—33rd report, for 1992-93.

National Treatment Monitoring Committee—Report for 1992-93.

Primary Industries and Energy Research and Development Act—Dairy Research and Development Corporation—Report for 1992-93.

Qantas Airways Limited—Report for 1992-93.

Resource Assessment Commission Act—Resource Assessment Commission—Report for 1992-93.

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

#### 10 LEAVE OF ABSENCE TO MEMBER

Mr Keating (Prime Minister) moved—That leave of absence for one month be given to Mr Simmons on the ground of public business overseas.

Question—put and passed.

#### 11 SUSPENSION OF STANDING AND SESSIONAL ORDERS—DISCUSSION OF MATTER OF PUBLIC IMPORTANCE

Mr Beazley (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent any proposed definite matter of public importance being submitted to the House and discussed at a later hour this day.

Debate ensued.

Question—put and passed.

#### 12 NATIVE TITLE BILL 1993

Mr Keating (Prime Minister), by leave, presented a Bill for an Act about native title in relation to land or waters, and for related purposes.

Bill read a first time.

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

*Paper:* Mr Keating presented an explanatory memorandum (Parts A and B) to the Bill.

Debate adjourned (Dr Hewson—Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

#### 13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC MANAGEMENT

The House was informed that Dr Wooldridge (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's incompetent economic management which has caused the highest number of unemployed Australians ever recorded by the ABS".

The proposed discussion having received the necessary support—

Dr Wooldridge addressed the House.

Discussion ensued.

Discussion concluded.

**14 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS**

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

28 October 1993—Message No. 64—Migration Laws Amendment 1993.

3 November 1993—Message No. 65—

Qantas Sale Amendment 1993.

Social Security Legislation Amendment (No. 2) 1993.

Therapeutic Goods (Charges) Amendment 1993.

12 November 1993—Message No. 66—

Australian Wool Research and Promotion Organisation 1993.

Wool International 1993.

Wool Legislation (Repeals and Consequential Provisions) 1993.

Wool Tax (No. 1) Amendment 1993.

Wool Tax (No. 2) Amendment 1993.

Wool Tax (No. 3) Amendment 1993.

Wool Tax (No. 4) Amendment 1993.

Wool Tax (No. 5) Amendment 1993.

**15 MESSAGES FROM THE SENATE**

Messages from the Senate, dated 28 October 1993, were reported returning the following Bills without amendment:

Message—

No. 112—Wool Legislation (Repeals and Consequential Provisions) 1993.

No. 113—Wool Tax (No. 1) Amendment 1993.

No. 114—Wool Tax (No. 2) Amendment 1993.

No. 115—Wool Tax (No. 3) Amendment 1993.

No. 116—Wool Tax (No. 4) Amendment 1993.

No. 117—Wool Tax (No. 5) Amendment 1993.

No. 118—Australian Wool Research and Promotion Organisation 1993.

No. 119—Wool International 1993.

**16 MESSAGE FROM THE SENATE—EXPORT MARKET DEVELOPMENT GRANTS LEGISLATION AMENDMENT BILL 1993**

Message No. 120, dated 28 October 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the law relating to export market development grants*”.

Bill read a first time.

Mr Baldwin (Minister for Social Security) moved—That the Bill be now read a second time.

*Paper:* Mr Baldwin presented an explanatory memorandum to the Bill.

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

**17 MESSAGE FROM THE SENATE—CUSTOMS LEGISLATION AMENDMENT BILL 1993**

Message No. 88, dated 26 October 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Customs Act 1901’ and the ‘Anti-Dumping Authority Act 1988’, and for related purposes*”.

Bill read a first time.

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Technology and Regional Development) moved—That the Bill be now read a second time.

*Paper:* Mr Lindsay presented an explanatory memorandum to the Bill.

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

**18 MESSAGE FROM THE SENATE—SUPERANNUATION GUARANTEE (ADMINISTRATION) (EXEMPTION OF COUNCIL ALLOWANCES) AMENDMENT BILL 1993**

Message No. 111, dated 28 October 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Superannuation Guarantee (Administration) Act 1992’ to provide for local government councillors in relation to the operation of that Act*”.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

**19 POSTPONEMENT OF BUSINESS**

Ordered—That business intervening before order of the day No. 15, government business, be postponed until a later hour this day.

**20 HEALTH AND COMMUNITY SERVICES LEGISLATION AMENDMENT BILL (NO. 2) 1993—SENATE’S AMENDMENT**

The House, according to order, resolved itself into a committee of the whole to consider the amendment made by the Senate.

*In the committee*

**SCHEDULE OF THE AMENDMENT MADE BY THE SENATE**

Clause 4, page 2, lines 10 to 19, omit the clause, substitute the following clause:

**Information about Minister’s declaration may be made available to the public**

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

‘(2) An action or proceeding, whether criminal or civil, does not lie against a person for publishing in good faith a copy of the information, or a fair extract from, or a fair abstract of, the information.’”.

Mr Baldwin (Minister for Social Security) moved—That the amendment be agreed to.

Debate ensued.

*Papers:* Mrs Sullivan, by leave, presented the following papers:

Health and Community Services Legislation Amendment Bill (No. 2) 1993—Copies of letters (2) to Senator Tambling, dated 26 October 1993, from:

D. K. Byrne, AM, Executive Officer, Association for Disability Employment Placement and Training Ltd, Peakhurst South, NSW; and  
Sue Taylor, Deputy Executive Director, ACROD Limited, Deakin, ACT.

Question—put.

The committee divided (the Deputy Chairman, Mr J. N. Andrew, in the Chair)—

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

NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

Resolution to be reported.

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

## 21 AUSTRALIAN CITIZENSHIP 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.

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

## 22 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the matter of privilege raised earlier today by Mr Howard in connection with an article by Mr Laurie Oakes in the *Bulletin* of 9 November 1993.

The Speaker stated that he had considered carefully the article in question and, while he had no knowledge of the truth or otherwise of any of the claims made in the article, he had not felt that there had been any attempt at improper interference with the performance of his duties as Speaker. The Speaker further stated that on the information presented there was nothing which would cause him to allow precedence to a motion in respect of the complaint.

Mr Howard addressed the House on the matter.

## 23 ADJOURNMENT

Mr Johns (Parliamentary Secretary to the Treasurer) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.59 p.m., adjourned until tomorrow at 10 a.m.

## PAPERS

The following papers were deemed to have been presented on 16 November 1993:

Aged or Disabled Persons Care Act—Determination No. 1993-94/5.

Broadcasting Services Act—Notices of reservation Nos. RCCRBS 1993/1, RCNRBS 1993/1, RCNTBS 1993/1.

Christmas Island Act—Casino Control Ordinance—

Approval of agreement between Christmas Island Resort Pty Ltd and Casinos Austria International Pty Ltd for the latter to operate the Christmas Island Casino.

Designation of Casino premises, 21 October 1993.

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

105—Amendments 1993—

October 7, 8, 18(2), 19, 21, 22, 27, 29.

November 1(3), 3, 5.



- 106—Amendments 1993—  
October 20, 25, 28.  
November 5.
- 107—Amendment, 11 October 1993.  
Regulations—Statutory Rules 1993 No. 268.
- Currency Act—Determination—1993 No. 11.
- Customs Act—Instrument of approval—1993 No. 7.
- Excise Act—Instrument of approval—1993 No. 10.
- Fisheries Levy Act—Regulations—Statutory Rules 1993 No. 269.
- Health Insurance Act—Regulations—Statutory Rules 1993 Nos. 270, 271.
- Higher Education Funding Act—Determinations—Nos. T71/93, T72/93, T73/93.
- Lands Acquisition Act—Statement under subsection 40(3).
- Merit Protection (Australian Government Employees) Act—Enactments (4).
- Migration Act—Regulations—Statutory Rules 1993 No. 267.
- National Health Act—  
Determination—1993 No. INS 22.  
Regulations—Statutory Rules 1993 Nos. 273, 274.
- Quarantine Act—Quarantine proclamation No. 148A, 30 September 1993.
- Safety, Rehabilitation and Compensation Act—Notice 1993 No. 1.
- Superannuation Act 1976*—Determination under section 238—1993 No. 7.
- Telecommunications Act 1991*—Technical standard—1993 No. TS 10.
- Veterans' Entitlements Act—Instrument—1993 No. 9.
- Wildlife Protection (Regulation of Exports and Imports) Act—Declaration under subsection 9(1), 5 October 1993.
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#### ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brown, Mr Lavarch, Mr Melham, Mr Moore, Mr B. C. Scott, Mr Simmons\*, Mr S. F. Smith, Mr Somlyay and Mr Walker.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives