

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 37

TUESDAY, 23 NOVEMBER 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 QUESTIONS

Questions without notice being asked—

*Papers:* Mr Fischer (Leader of the National Party of Australia), in accordance with standing order 321, having called for documents quoted from by Mrs Kelly (Minister for the Environment, Sport and Territories)—

Mrs Kelly laid upon the Table the following papers:

Community Cultural, Recreational and Sporting Facilities Program—  
Application for a grant by Brothers Rugby League Club, Mackay, Qld—Copies of letters to:

Mr Damien Dwyer, Brothers Rugby League Club, Mackay, from Senator Ian Macdonald, 10 October 1992.

Mrs Kelly from:

Senator Lady Bjelke-Petersen, 9 September 1992.

Mr R. Braithwaite, MP, 29 September 1992.

Senator David MacGibbon, 7 September 1992.

Senator Bill O'Chee, 10 September 1992.

Questions without notice continued.

## 3 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Costello moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Higgins moving forthwith—That this House censures the Minister for the Environment, Sport and Territories for the maladministration of her Department, political bias in the selection of grants under the Community Cultural, Recreational and Sporting Facilities Program and her failure to account to this House in relation to this program.

Debate ensued.

The time allowed by standing order 91 for debate on the motion having expired—  
Question—put.

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

AYES, 54

Mr Aldred	Mr Evans	Mr Lloyd	Mr Ruddock
Mr Anderson	Mr Filing*	Mr McGauran	Mr Sharp
Mr J. N. Andrew	Mr Fischer	Mr MacKellar	Mr Sinclair
Mr K. J. Andrews	Mrs Gallus	Mr McLachlan	Mr Slipper
Mr Atkinson	Mr Hall	Mrs Moylan	Mrs Sullivan
Mr Beale	Mr Halverson	Mr Nehl	Mr Taylor
Mr Braithwaite	Mr Hawker	Mr Nugent	Mr Tuckey
Mr Cadman	Dr Hewson	Mr Peacock	Mr Vaile
Mr Cameron	Mr Hicks*	Mr Prosser	Mr Wakelin
Mr Charles	Mr Howard	Mr Pyne	Mr Williams
Mr Cobb	Mr Jull	Mr Reid	Dr Wooldridge
Mr Costello	Mr Katter	Mr Reith	Ms Worth
Mr Dobie	Dr Kemp	Mr Rocher	
Mr Downer	Mr Lieberman	Mr Ronaldson	

NOES, 70

Mr Adams	Mr Duncan	Mr Humphreys	Mr Price
Mr Baldwin	Mrs Easson	Mr Johns	Mr Punch
Mr Beazley	Mr Elliott	Mr Jones	Mr Quick
Mr Beddall	Ms Fatin	Mrs Kelly	Mr Sawford
Mr Bevis	Mr Ferguson	Mr Kerin	Mr Sciacca
Mr Bilney	Mr Fitzgibbon	Mr Kerr	Mr L. J. Scott
Dr Blewett	Mr Free	Mr Knott	Mr Snow
Mr Breton	Mr Gear	Mr Langmore	Mr Snowdon
Mr Campbell	Mr Gibson	Mr Lavarch	Mr Staples
Mr Chynoweth	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 Mack	Mr Tickner
Mr Cunningham	Mr Haviland	Mr McLeay*	Mr Walker
Mr Dawkins	Ms Henzell	Mr A. A. Morris	Mr Willis
Ms Deahm	Mr Holding	Mr P. F. Morris	Mr Woods
Mr Dodd	Mr Horne	Mr Newell	
Mr Duffy	Mr Howe	Mr O'Connor	

\* Tellers

And so it was negatived.

#### 4 PAPERS

The following papers were presented:

Employment, Education and Training Act—National Board of Employment, Education and Training—Report for 1992-93.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Aboriginal and Torres Strait Islander Social Justice Commissioner—1st Report, for period 13 January to 30 June 1993.

Papua New Guinea (Staffing Assistance) Act—Commissioner for Superannuation—Report on the Papua New Guinea Superannuation Scheme and certain other schemes, for 1992-93.

Pharmaceutical Benefits Pricing Authority—Report for 1992-93.

Snowy Mountains Council—Report for 1992-93.

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

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

Employment, Education and Training Act—National Board of Employment, Education and Training—Report for 1992-93.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Aboriginal and Torres Strait Islander Social Justice Commissioner—1st Report, for period 13 January to 30 June 1993.

Papua New Guinea (Staffing Assistance) Act—Commissioner for Superannuation—Report on the Papua New Guinea Superannuation Scheme and certain other schemes, for 1992-93.

Pharmaceutical Benefits Pricing Authority—Report for 1992-93.

Snowy Mountains Council—Report for 1992-93.

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

**6 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FOREIGN OWNERSHIP OF AUSTRALIAN MEDIA GROUP**

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 Prime Minister’s unacceptable action in making a government decision concerning foreign ownership of a major Australian media group conditional on his own assessment of whether that group’s election coverage fitted his definition of balance”.

The proposed discussion having received the necessary support—

Dr Hewson rising to address the House—

Mr Beazley (Leader of the House) moved—That the business of the day be called on.

Question—put.

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

AYES, 68

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

## NOES, 55

Mr Aldred	Mr Evans	Mr Lloyd	Mr Ronaldson
Mr Anderson	Mr Filing*	Mr McGauran	Mr Ruddock
Mr J. N. Andrew	Mr Fischer	Mr Mack	Mr Sharp
Mr K. J. Andrews	Mrs Gallus	Mr MacKellar	Mr Sinclair
Mr Atkinson	Mr Hall	Mr McLachlan	Mr Slipper
Mr Beale	Mr Halverson	Mrs Moylan	Mrs Sullivan
Mr Braithwaite	Mr Hawker	Mr Nehl	Mr Taylor
Mr Cadman	Dr Hewson	Mr Nugent	Mr Tuckey
Mr Cameron	Mr Hicks*	Mr Peacock	Mr Vaile
Mr Charles	Mr Howard	Mr Prosser	Mr Wakelin
Mr Cobb	Mr Jull	Mr Pyne	Mr Williams
Mr Costello	Mr Katter	Mr Reid	Dr Wooldridge
Mr Dobie	Dr Kemp	Mr Reith	Ms Worth
Mr Downer	Mr Lieberman	Mr Rocher	

\* Tellers

And so it was resolved in the affirmative.

**7 MESSAGE FROM THE SENATE**

Message No. 141, dated 22 November 1993, from the Senate was reported returning the Superannuation (Resolution of Complaints) Bill 1993 and acquainting the House that the Senate does not insist upon its amendment disagreed to by the House.

**8 MESSAGE FROM THE SENATE—OCCUPATIONAL HEALTH AND SAFETY (MARITIME INDUSTRY) CONSEQUENTIAL AMENDMENTS BILL 1993**

Message No. 140, dated 18 November 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to make consequential amendments because of the enactment of the ‘Occupational Health and Safety (Maritime Industry) Act 1993’*”.

Bill read a first time.

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

**9 MESSAGE FROM THE SENATE—COPYRIGHT AMENDMENT (RE-ENACTMENT) BILL 1993**

Message No. 142, dated 17 November 1993, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to repeal the ‘Copyright Amendment Act 1989’, to re-enact certain provisions of that Act, and for related purposes*”.

Bill read a first time.

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

**10 PRIVILEGE—CONSIDERATION BY COMMITTEE**

Dr Blewett (Chairman), by indulgence, made a statement on behalf of the Standing Committee on Procedure in relation to a matter of privilege raised by Mrs Sullivan on 27 October 1993. Dr Blewett stated that the committee was unable to ascertain the source of the disclosure of matter appearing in a newspaper article and had concluded that the publication of the article did not interfere in any substantial way with the work of the committee. The committee recommended that no further action be taken in relation to the matter.

Mrs Sullivan, by indulgence, also addressed the House on the matter.

**11 SUSPENSION OF STANDING ORDERS 48A AND 103**

Mr Beazley (Leader of the House), pursuant to notice, moved—That standing order 48A (adjournment of House) and standing order 103 (11 o'clock rule) be suspended for the remainder of the sittings this week.

Question—put and passed.

**12 INDUSTRIAL RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1993**

The order of the day having been read for the second reading—Mr Brereton (Minister for Industrial Relations) moved—That the Bill be now read a second time.

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

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

**13 NATIVE TITLE 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 by Dr Hewson (Leader of the Opposition) who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House declines to give the Bill a second reading, and

- (1) notes that, as a consequence of the High Court’s Mabo (No. 2) decision, Australia already has a national native title system without the need for any legislative action;
- (2) acknowledges that, in order to meet the requirements of the Racial Discrimination Act, a government dealing with native title must do so on a non-discriminatory basis including the payment of just terms compensation for any extinguishment of native title;
- (3) condemns the Keating Government for using the Bill to make an unnecessary intrusion into the land management responsibilities of State Governments; and
- (4) further notes that the only additional federal law that may be necessary would be to facilitate the validation of past grants”.

Debate continued.

The House continuing to sit until after midnight—

**WEDNESDAY, 24 NOVEMBER 1993**

Debate continued.

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

**14 ADJOURNMENT**

Mr Snowdon (Parliamentary Secretary to the Minister for the Environment, Sport and Territories) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 12.58 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 23 November 1993:

Treaties—Text of—

Bilateral—

- (1) Treaty with Chile on Extradition, done at Canberra on 6 October 1993. The Agreement will enter into force 30 days after an exchange of notes pursuant to Article XXIII.I.
- (2) Agreement with the Czech Republic on the Reciprocal Promotion and Protection of Investments, done at Canberra on 30 September 1993. The Agreement will enter into force 30 days after an exchange of notes pursuant to Article 14 (1).
- (3) Agreement with Hong Kong concerning Air Services, done at Hong Kong on 15 September 1993 with entry into force on the same date.
- (4) Agreement with Hong Kong for the Promotion and Protection of Investments, done at Hong Kong on 15 September 1993. Entry into force on 15 October 1993.
- (5) Agreement with Italy on Films Co-Production, done at Rome on 28 June 1993. The Agreement will enter into force when notes are exchanged pursuant to Article 7.
- (6) Agreement with Italy on Social Security, done at Rome on 13 September 1993. The Agreement will enter into force following exchange of instruments of ratification pursuant to Article 23.1.
- (7) Exchange of Notes constituting an Agreement with Japan to further amend the Schedule to the Agreement for Air Services of 19 January 1956, done at Canberra on 20 July 1993 with entry into force on the same date.
- (8) Exchange of Notes constituting an Agreement with the Republic of Korea to amend the Schedule to the Agreement relating to Air Services of 26 February 1992, done at Canberra on 16 September 1993 with entry into force on the same date.
- (9) Agreement with Nauru for the Settlement of the Case in the International Court of Justice concerning certain Phosphate Lands in Nauru, done at Nauru on 10 August 1993. Entry into force 20 August 1993.
- (10) Agreement with Romania on the Reciprocal Promotion and Protection of Investments, done at Bucharest on 21 June 1993. The Agreement will enter into force 30 days after an exchange of notes pursuant to Article 11.1.
- (11) Exchange of Notes, done at Canberra on 13 September 1993, constituting an Agreement with the United Kingdom to further amend the Agreement for Air Services of 7 February 1958, as amended. Entry into force on 15 September 1993.
- (12) Agreement with Vanuatu relating to Air Services, done at Port Vila on 15 June 1993 with entry into force on the same date.

*International Organisations—*

- (13) Exchange of Letters, done at Brussels on 28 May 1993, constituting an Agreement with the European Economic Community (EEC) amending and extending the Agreement of 22 January 1990 which amended the Agreement on Trade in Mutton, Lamb and Goatmeat of 14 November 1980. The Agreement entered into force retrospectively from 31 December 1992.

- (14) Exchange of Notes constituting an Implementing Arrangement, concerning Plutonium Transfers, to the Agreement with the European Atomic Energy Community (EURATOM) concerning Transfers of Nuclear Material of 21 September 1981, done at Brussels on 8 September 1993, with entry into force on the same date.
- (15) Exchange of Notes constituting an Implementing Arrangement, concerning International Obligation Exchanges, to the Agreement with the European Atomic Energy Community (EURATOM) concerning Transfers of Nuclear Material of 21 September 1981, done at Brussels on 8 September 1993, with entry into force on the same date.

Multilateral—

- (16) Convention for the Conservation of Southern Bluefin Tuna, done at Canberra on 10 May 1993 and signed for Australia, subject to ratification, on the same date. The Convention is not yet in force.
- (17) Amendments, done at Port Moresby on 12 October 1992, to Annexes I and II to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America of 2 April 1987. Instrument of acceptance deposited for Australia 9 June 1993. The amendments are not yet in force.
- (18) Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, done at Vienna on 21 March 1986. Instrument of accession deposited for Australia on 16 June 1993. The Convention is not yet in force.
- (19) Amendments, done at Nadi on 27-28 July 1992, to Schedule 1 of the Agreement among Pacific Island States concerning the Implementation and Administration of the Treaty on Fisheries between Certain Pacific Island States and the United States of America of 2 April 1987. Instrument of acceptance deposited for Australia 14 July 1993. The amendments are not yet in force.
- (20) Protocol (SDR Protocol) amending the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading of 25 August 1924 (The Hague Rules), as amended by the Protocol of 23 February 1968 (Visby Rules), done at Brussels on 21 December 1979. Instrument of accession, with statement, deposited for Australia on 16 July 1993. Entry into force on 16 October 1993.
- (21) Agreement establishing the South Pacific Regional Environment Programme (SPREP), done at Apia on 16 June 1993. Signed for Australia, subject to ratification, on 21 September 1993. The Agreement is not yet in force.
- (22) Amendments, done at New York on 8 September 1992, to Articles 17.7 and 18.5 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984. Instrument of acceptance deposited for Australia on 15 October 1993. The amendments are not yet in force.
- (23) Amendment, done at New York on 15 January 1992, to Article 8 of the International Convention on the Elimination of all Forms of Racial

Discrimination of 7 March 1966. Instrument of acceptance deposited for Australia on 15 October 1993. The amendment is not yet in force.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Bradford, Mr Brown, Mr Carlton, Mr Cleary, Mr Connolly, Mrs Crosio, Mr Forrest, Mr Hollis, Mr Jenkins, Mr McArthur, Mr Melham, Mr Miles, Mr Moore, Mr B. C. Scott, Mr Simmons\*, Mrs S. J. Smith, Mr S. F. Smith, Mr Somlyay and Mr Truss.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives