

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 45

SATURDAY, 18 DECEMBER 1993

1 The House met, at 11 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **MESSAGE FROM THE SENATE—HIGHER EDUCATION FUNDING LEGISLATION AMENDMENT BILL 1993**

The following message from the Senate was reported:

Message No. 179

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Higher Education Funding Act 1988', and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

**KERRY SIBRAA**  
President

The Senate,

Canberra, 17 December 1993

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

*In the committee*

**SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE**

No. 1—Clause 11, page 4, paragraph (e), definition of "**basic course of study**", line 13, omit the definition.

No. 2—Clause 12, line 19 (page 4) to line 22 (page 5), omit the clause.

No. 3—Clause 14, line 33 (page 5) to line 16 (page 6), omit the clause.

No. 4—Schedule, page 27, before proposed amendment to section 17 insert the following amendment:

**“Subsection 2(2):**

Omit the subsection.”.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Jenkins reported accordingly.

On the motion of Mr Free, the House adopted the report.

**3 MESSAGE FROM THE SENATE—EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION OF PROVIDERS AND FINANCIAL REGULATION) AMENDMENT BILL 1993**

The following message from the Senate was reported:

Message No. 180

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991’, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

**KERRY SIBRAA**  
President

The Senate,

Canberra, 17 December 1993

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

*In the committee*

**SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE**

No. 1—Clause 2, page 2, after subclause (2) insert the following subclauses:

“(2A) Subject to subsections (2B) and (2C), section 8 of this Act commences on the date on which regulations are made under the Principal Act to provide for the establishment of a tuition assurance scheme for the purpose of section 7A of that Act.

“(2B) If regulations under the Principal Act to provide for the establishment of a tuition assurance scheme for the purposes of section 7A of that Act are disallowed by either House of the Parliament, section 7A of that Act is deemed to have been repealed on the date of the disallowance.

“(2C) If regulations under the Principal Act to provide for the establishment of a tuition assurance scheme for the purposes of section 7A of that Act are not made by 30 June 1994, section 7A of that Act is deemed to have been repealed on that date.”.

No. 2—Clause 13, page 8, line 26, omit “repealed”, substitute “amended by omitting ‘1994’ and substituting ‘1997’”.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), the amendments were agreed to.

Resolution to be reported.

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The House resumed; Mr Jenkins reported accordingly.

On the motion of Mr Free, the House adopted the report.

**4 MESSAGE FROM THE SENATE—OVERSEAS STUDENTS TUITION ASSURANCE LEVY BILL 1993**

The following message from the Senate was reported:

Message No. 181

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to allow levies to be imposed by the rules of a tuition assurance scheme established for the purposes of section 7A of the ‘Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991’*”, and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA  
President

The Senate,

Canberra, 17 December 1993

Ordered—That the amendment be taken into consideration, in committee of the whole House, forthwith.

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*In the committee*

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

Clause 2, page 1, lines 5 to 8, omit the clause, substitute the following clause:

**Commencement**

“**2.(1)** Subject to subsections (2) and (3), this Act commences on the date on which regulations are made under the *Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991* to provide for the establishment of a tuition assurance scheme for the purpose of section 7A of that Act.

“(2) If regulations under the *Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991* to provide for the establishment of a tuition assurance scheme for the purposes of section 7A of that Act are disallowed by either House of the Parliament, this Act is deemed to have been repealed on the date of the disallowance.

“(3) If regulations under the *Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991* to provide for the establishment of a tuition assurance scheme for the purposes of section 7A of that Act are not made by 30 June 1994, this Act is deemed to have been repealed on that date.”

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), the amendment was agreed to.

Resolution to be reported.

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The House resumed; Mr Jenkins reported accordingly.

On the motion of Mr Free, the House adopted the report.

**5 MESSAGE FROM THE SENATE—STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 1993**

The following message from the Senate was reported:

Message No. 178

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'States Grants (Primary and Secondary Education Assistance) Act 1992'*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

**KERRY SIBRAA**  
President

The Senate,

Canberra, 17 December 1993

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

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*In the committee*

**SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE**

No. 1—Part 2, line 1 (page 2) to line 31 (page 9), omit the Part.

No. 2—Clause 20, page 13, after proposed subparagraph 6(4)(b)(ii) insert the following word and subparagraph:

“or (iii) non-government disadvantaged schools;”.

No. 3—Clause 23, page 15, after proposed paragraph 71A(2)(b) insert the following word and paragraph:

“or (c) non-government disadvantaged schools;”.

No. 4—Clause 24, page 17, proposed subsection 72A(5), lines 1 to 8, omit the subsection.

No. 5—Clause 24, page 17, proposed subsection 72A(6), lines 9 to 11, omit the subsection.

No. 6—Clause 24, page 17, proposed subsection 72A(7), lines 12 to 16, omit the subsection.

No. 7—Clause 24, page 18, after proposed paragraph 72B(2)(b) insert the following word and paragraph:

“; or (c) non-government schools:

- (i) if a ministerial determination in respect of that State under section 13 is in force—in prescribed country areas in the State; or

- (ii) if such a determination is not in force—in geographically isolated areas in the State”.

No. 8—Clause 24, page 18, proposed subsection 72B(6), lines 21 to 30, omit the subsection.

No. 9—Clause 24, page 18, proposed subsection 72B(7), lines 31 and 32, omit the subsection.

No. 10—Clause 24, page 18, proposed subsection 72B(8), lines 33 to 37, omit the subsection.

No. 11—After clause 24, page 18, insert the following clause:

“24A. After section 73 of the Principal Act the following section is inserted:

**Prohibited conditions for grants**

‘73A. It must not be a condition of an agreement between the Commonwealth and a State, or the Commonwealth and an authority, in relation to section 70, 71A, 72, 72A, 72B or 73, that some or all of the financial assistance paid to the State or authority for expenditure in connection with the education of students in prescribed country areas, or geographically isolated areas, in the State is to be applied other than in connection with such education.’”.

No. 12—Clause 30, page 20, after proposed paragraph 65A(2)(b) insert the following word and paragraph:

“or (c) non-government schools;”.

No. 13—Clause 30, page 21, proposed subsection 65A(5), line 5, after “system” insert “or non-government schools”.

No. 14—Clause 30, page 22, after proposed subsection 65B(2)(b) insert the following word and paragraph:

“or (c) non-government schools;”.

No. 15—Clause 30, page 22, proposed subsection 65B(5), line 19, after “system” insert “or non-government schools”.

No. 16—Clause 33, page 24, proposed paragraph 68A(2)(c), line 33, after “centres” insert “or non-government schools”.

No. 17—Clause 34, page 26, proposed subsection 69B(1), line 28, after “centre” insert “or non-government school”.

No. 18—Clause 34, page 26, proposed subsection 69B(2)(b), line 33, after “centre” insert “or non-government school”.

Ordered—That amendment No. 1 be considered before amendments Nos. 2 to 18 together.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), amendment No. 1 was agreed to.

Mr Free moved—That amendments Nos. 2 to 18 be disagreed to.

Debate ensued.

Question—put.

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

## AYES, 73

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

## NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

Resolutions to be reported.

The House resumed; Mr Fitzgibbon reported accordingly.

On the motion of Mr Free, the House adopted the report.

Mr Free moved—That Ms Crawford, Mrs S. J. Smith and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments Nos. 2 to 18 of the Senate.

Question—put and passed.

Mr Free, on behalf of the committee, brought up such reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing  
to amendments Nos. 2 to 18 of the Senate*

**BROADBANDING**

**The Senate undid the broadbanding of CAP and DSP (clause 24 and new insert 24A)**

Senate amendments Nos. 4, 5, 6, 8, 9, 10 and 11 undo the capacity for local decision making to target funds to those children most in need.

The real importance of the broadbanding is that it also delivers the most progressive education agreements the Commonwealth has ever had with the States and Territories. With Senate amendments Nos. 4, 5, 6, 8, 9, 10 and 11 that would be lost, there would be another year of minimal accountability, no commitments and more flood lights on swimming pools.

Even more importantly, there would be another year of ineffective targeting of funds, another year of not knowing how this money is spent and whether it is doing any good.

The subsections proposed to be omitted by Senate amendments Nos. 4, 5, 6, 8, 9 and 10 need to be reinstated, and the new section proposed to be inserted by Senate amendment No. 11 should be omitted.

### **INDEPENDENT SCHOOLS — NEPS RESPONSIBILITIES**

**The Senate proposes to allow non-government schools the capacity to have the Minister determine their individual grants for equity programs, rather than working cooperatively to achieve jointly equity objectives (Senate amendments Nos. 2, 3, 7, 12, 13, 14, 15, 16, 17 and 18)**

It is inappropriate that some schools work within the framework of their own "nominated authority" and others become the Government's direct responsibility. It will be extremely difficult to manage this process equitably and fairly. The only way through it will be that the equity grants for ALL independent schools will have to be based on the recommendations of a National Independent Equity Authority which will need to be established.

Mr Free moved—That the committee's reasons be adopted.

Debate ensued.

Mr Tuckey rising to address the House—

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

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

And the question—That the committee's reasons be adopted—was put accordingly, and passed.

### **6 TIME AND BUSINESS FOR NEXT SITTING**

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

- (1) the House, at its rising, adjourn until Tuesday, 21 December 1993, at 3 p.m., unless otherwise called together by the Speaker or, in the event of the Speaker being unavailable, by the Deputy Speaker and Chairman of Committees; and
- (2) so much of the standing and sessional orders be suspended as would prevent the business for consideration on Tuesday, 21 December 1993, unless otherwise ordered, being as follows:
  - (a) Messages from the Senate returning or transmitting legislation.
  - (b) Notices and orders of the day, government business.
  - (c) Committee and delegation reports, order of the day for resumption of debate on the motion to take note of the report of the Standing Committee on Procedure on reforming the House of Representatives.
  - (d) Presentation of papers.

- (e) Any motions for a special adjournment of the House and for leave of absence to all Members.

Debate ensued.

Mr Tuckey rising to address the House—

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

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

And the question—That the motion be agreed to—being accordingly put—

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

AYES, 71

Mr Adams	Mr Elliott	Mr Jenkins	Mr Price
Mr Baldwin	Ms Fatin	Mr Johns	Mr Punch
Mr Beazley	Mr Ferguson	Mr Jones	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mrs Kelly	Mr Sawford
Mr Bevis	Mr Free	Mr Kerin	Mr Sciacca
Mr Breton	Mr Gear	Mr Kerr	Mr L. J. Scott
Mr Brown	Mr Gibson	Mr Knott	Mrs S. J. Smith
Mr Chynoweth	Mr Gorman	Mr Langmore	Mr S. F. Smith
Mr Cleeland	Mr Grace*	Mr Lavarch	Mr Snow
Ms Crawford	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 Walker
Mr Duffy	Mr Horne	Mr Newell	Mr Willis
Mr Duncan	Mr Howe	Mr O'Connor	Mr Woods
Mrs Easson	Mr Humphreys	Mr O'Keefe	

NOES, 59

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

\* Tellers

And so it was resolved in the affirmative.

7 LEAVE OF ABSENCE TO ALL MEMBERS

Mr Beazley (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

8 ADJOURNMENT

Mr Beazley (Leader of the House) moved—That the House do now adjourn.



Question—put and passed.

And then the House, at 1.05p.m., adjourned until Tuesday, 21 December 1993, at 3 p.m., in accordance with the resolution agreed to this day.

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#### **PAPER**

The following paper was deemed to have been presented on 18 December 1993:  
Student Assistance Act—Determination 1993 No.1.

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#### **ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Bilney, Mr Campbell, Mr Carlton, Mr Connolly, Mr Dawkins, Mr Hall, Mr Katter, Mr Keating, Mr Lee, Mr Nehl, Mr Simmons, Mr Snowdon and Mr Somlyay.

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**L. M. BARLIN**

Clerk of the House of Representatives