

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 143

WEDNESDAY, 7 JUNE 1995

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

**2 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED**

Mr Downer moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Mayo moving forthwith—That the Minister for Aboriginal and Torres Strait Islander Affairs be required to attend question time today.

*Closure of Member:* Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training) moved—That the Member be not further heard.

Question—put.

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

AYES, 67

Mr Adams	Mrs Easson	Mr Howe	Mr Price
Mr Baldwin	Mr Elliott	Mr Humphreys	Mr Punch
Mr Beazley	Mr M. J. Evans	Mr Jenkins	Mr Quick
Mr Beddall	Ms Fatin	Mr Knott	Mr Sawford*
Mr Bevis	Mr Ferguson	Mr Langmore	Mr Sciacca
Mr Bilney	Mr Fitzgibbon	Mr Latham	Mr Simmons
Mr Brown	Mr Free	Mr Lavarch	Mrs S. J. Smith
Mr Campbell	Mr Gear	Dr Lawrence	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Mr Lee	Mr Snow
Mr Cleeland	Mr Gorman	Mr Lindsay	Mr Snowdon
Mr Crean	Mr Grace*	Ms McHugh	Mr Staples
Mrs Crosio	Mr Griffin	Mr McLeay	Mr Tanner
Mr Cunningham	Mr Griffiths	Mr Melham	Mr Tickner
Ms Deahm	Mr Haviland	Mr A. A. Morris	Mr Walker
Mr Dodd	Ms Henzell	Mr P. F. Morris	Mr Willis
Mr Duffy	Mr Hollis	Mr Newell	Mr Woods
Mr Duncan	Mr Horne	Mr O'Connor	

## NOES, 58

Mr Abbott	Mr Downer	Mr McGauran	Mr Sharp
Mr Anderson	Mr R. D. C. Evans	Mr Mack	Mr Sinclair
Mr J. N. Andrew	Mr Filing	Mr McLachlan	Mr B. M. Smyth
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr Somlyay
Mr Atkinson	Mr Forrest	Mr Moore	Mrs Sullivan
Mr Beale	Mr Georgiou	Mrs Moylan	Mr Taylor
Mrs Bishop	Mr Hall	Mr Nehl	Mr Thomson
Mr Bradford	Mr Halverson	Mr Neville	Mr Truss
Mr Braithwaite	Mr Hawker*	Mr Nugent	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Vaile
Mr Cameron	Mr Jull	Mr Pyne	Mr Williams
Mr Charles	Dr Kemp	Mr Reid	Dr Wooldridge
Mr Cleary	Mr Lieberman	Mr Rocher	Ms Worth
Mr Cobb	Mr Lloyd	Mr Ronaldson	
Mr Costello	Mr McArthur	Mr Ruddock	

\* Tellers

And so it was resolved in the affirmative.

Mr McLachlan (seconder) addressing the House—

*Closure of Member:* Mr Snowdon moved—That the Member be not further heard.

Question—put.

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

## AYES, 68

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

## NOES, 58

Mr Abbott	Mr Downer	Mr McGauran	Mr Sharp
Mr Anderson	Mr R. D. C. Evans	Mr Mack	Mr Sinclair
Mr J. N. Andrew	Mr Filing	Mr McLachlan	Mr B. M. Smyth
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr Somlyay
Mr Atkinson	Mr Forrest	Mr Moore	Mrs Sullivan
Mr Beale	Mr Georgiou	Mrs Moylan	Mr Taylor
Mrs Bishop	Mr Hall	Mr Nehl	Mr Thomson
Mr Bradford	Mr Halverson	Mr Neville	Mr Truss
Mr Braithwaite	Mr Hawker*	Mr Nugent	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Vaile
Mr Cameron	Mr Jull	Mr Pyne	Mr Williams
Mr Charles	Dr Kemp	Mr Reid	Dr Wooldridge
Mr Cleary	Mr Lieberman	Mr Rocher	Ms Worth
Mr Cobb	Mr Lloyd	Mr Ronaldson	
Mr Costello	Mr McArthur	Mr Ruddock	

\* Tellers

And so it was resolved in the affirmative.

*Closure:* Mr Beazley (Leader of the House) 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, 71

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

## NOES, 56

Mr Abbott	Mr Downer	Mr McArthur	Mr Ruddock
Mr Anderson	Mr R. D. C. Evans	Mr McGauran	Mr Sharp
Mr J. N. Andrew	Mr Filing	Mr McLachlan	Mr Sinclair
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr B. M. Smyth
Mr Atkinson	Mr Forrest	Mr Moore	Mr Somlyay
Mr Beale	Mr Georgiou	Mrs Moylan	Mrs Sullivan
Mrs Bishop	Mr Hall	Mr Nehl	Mr Taylor
Mr Bradford	Mr Halverson	Mr Neville	Mr Thomson
Mr Braithwaite	Mr Hawker*	Mr Nugent	Mr Truss
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Tuckey
Mr Cameron	Mr Jull	Mr Pyne	Mr Vaile
Mr Charles	Dr Kemp	Mr Reid	Mr Williams
Mr Cobb	Mr Lieberman	Mr Rocher	Dr Wooldridge
Mr Costello	Mr Lloyd	Mr Ronaldson	Ms Worth

\* Tellers

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

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

## AYES, 56

Mr Abbott	Mr Downer	Mr McArthur	Mr Sharp
Mr Anderson	Mr R. D. C. Evans	Mr McGauran	Mr Sinclair
Mr J. N. Andrew	Mr Filing	Mr McLachlan	Mr B. M. Smyth
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr Somlyay
Mr Atkinson	Mr Forrest	Mrs Moylan	Mrs Sullivan
Mr Beale	Mr Georgiou	Mr Nehl	Mr Taylor
Mrs Bishop	Mr Hall	Mr Neville	Mr Thomson
Mr Bradford	Mr Halverson	Mr Nugent	Mr Truss
Mr Braithwaite	Mr Hawker*	Mr Prosser	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Pyne	Mr Vaile
Mr Cameron	Mr Jull	Mr Reid	Mr Wakelin
Mr Charles	Dr Kemp	Mr Rocher	Mr Williams
Mr Cobb	Mr Lieberman	Mr Ronaldson	Dr Wooldridge
Mr Costello	Mr Lloyd	Mr Ruddock	Ms Worth

## NOES, 71

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

\* Tellers

And so it was negated.

**3 SUSPENSION OF STANDING ORDER 48A**

Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training), for Mr Beazley (Leader of the House), pursuant to notice, moved—That standing order 48A (adjournment and next meeting) be suspended for the sittings on Wednesday, 7 June 1995 and Thursday, 8 June 1995.

Question—put and passed.

**4 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS**

Mr Hollis (Chairman) presented the following report:

Public Works—Parliamentary Standing Committee—Report relating to the facilities for an increased Army presence in the north (APIN) stage 2 (9th report of 1995).

Ordered to be printed.

Mr Hollis, Mr Braithwaite and Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training), by leave, made statements in connection with the report.

**5 SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) MODIFICATION (EXCISE) BILL 1995**

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.

*Consideration in detail*

Clauses 1 to 7, by leave, taken together, and agreed to.

Schedule 1—

Mr K. J. Andrews moved the following amendment: Page 8, omit items 7 and 8.

Question—put.

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

AYES, 60

Mr Abbott	Mr Costello	Mr McGauran	Mr Sharp
Mr Anderson	Mr Downer	Mr Mack	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McLachlan	Mr Slipper
Mr K. J. Andrews	Mr Filing	Mr Miles	Mr B. M. Smyth
Mr Atkinson	Mr Forrest	Mr Moore	Mr Somlyay
Mr Beale	Mr Georgiou	Mrs Moylan	Mrs Sullivan
Mrs Bishop	Mr Hall	Mr Nehl	Mr Taylor
Mr Bradford	Mr Halverson	Mr Neville	Mr Thomson
Mr Braithwaite	Mr Hawker*	Mr Nugent	Mr Truss
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Tuckey
Mr Cameron	Mr Jull	Mr Pyne	Mr Vaile
Mr Charles	Dr Kemp	Mr Reid	Mr Wakelin
Mr Cleary	Mr Lieberman	Mr Rocher	Mr Williams
Mr Cobb	Mr Lloyd	Mr Ronaldson	Dr Wooldridge
Mr Connolly	Mr McArthur	Mr Ruddock	Ms Worth

## NOES, 66

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

\* Tellers

And so it was negatived.

Schedule agreed to.

Schedule 2—

Mr K. J. Andrews moved the following amendment: Page 9, omit items 1 to 11.

Debate continued.

Question—put.

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

## AYES, 59

Mr Abbott	Mr Downer	Mr McGauran	Mr Sinclair
Mr Anderson	Mr R. D. C. Evans	Mr McLachlan	Mr Slipper
Mr J. N. Andrew	Mr Filing	Mr Miles	Mr B. M. Smyth
Mr K. J. Andrews	Mr Fischer	Mr Moore	Mr Somlyay
Mr Atkinson	Mr Forrest	Mrs Moylan	Mrs Sullivan
Mr Beale	Mr Georgiou	Mr Nehl	Mr Taylor
Mrs Bishop	Mr Hall	Mr Neville	Mr Thomson
Mr Bradford	Mr Halverson	Mr Nugent	Mr Truss
Mr Braithwaite	Mr Hawker*	Mr Prosser	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Pyne	Mr Vaile
Mr Cameron	Mr Jull	Mr Reid	Mr Wakelin
Mr Charles	Dr Kemp	Mr Rocher	Mr Williams
Mr Cleary	Mr Lieberman	Mr Ronaldson	Dr Wooldridge
Mr Cobb	Mr Lloyd	Mr Ruddock	Ms Worth
Mr Connolly	Mr McArthur	Mr Sharp	

## NOES, 67

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

\* Tellers

And so it was negatived.

On the motion of Mr Hall, the following amendment was made, after debate:  
Page 9, after item 11 insert the following item:

**“11A. Subitem 97(3) of Schedule 1:**

Omit the definition of ‘eligible disabled person’, substitute the following definition:

‘“eligible disabled person” means a person who has a current certificate given by the Secretary, certifying that the person has lost the use of one or more limbs to such an extent that he or she is unable to use public transport;’.”

Mr K. J. Andrews moved the following amendment: Pages 10 and 11, omit items 12 to 15.

Question—put.

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

## AYES, 57

Mr Abbott	Mr R. D. C. Evans	Mr McLachlan	Mr B. M. Smyth
Mr Anderson	Mr Filing	Mr Miles	Mr Somlyay
Mr J. N. Andrew	Mr Fischer	Mrs Moylan	Mrs Sullivan
Mr K. J. Andrews	Mr Forrest	Mr Nehl	Mr Taylor
Mr Atkinson	Mr Georgiou	Mr Neville	Mr Thomson
Mr Beale	Mr Hall	Mr Nugent	Mr Truss
Mrs Bishop	Mr Halverson	Mr Prosser	Mr Tuckey
Mr Bradford	Mr Hawker*	Mr Pyne	Mr Vaile
Mr Braithwaite	Mr Hicks*	Mr Reid	Mr Wakelin
Mr Cadman	Mr Jull	Mr Rocher	Mr Williams
Mr Cameron	Dr Kemp	Mr Ronaldson	Dr Wooldridge
Mr Charles	Mr Lieberman	Mr Ruddock	Ms Worth
Mr Cobb	Mr Lloyd	Mr Sharp	
Mr Connolly	Mr McArthur	Mr Sinclair	
Mr Downer	Mr McGauran	Mr Slipper	

## NOES, 69

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

\* Tellers

And so it was negatived.

Schedule, as amended, agreed to.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Gear (Assistant Treasurer), by leave, the Bill was read a third time.

#### 6 SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) MODIFICATION (CUSTOMS) BILL 1995

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

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

*Consideration in detail*

Clauses 1 to 7, by leave, taken together, and agreed to.

Schedule 1—

Mr K. J. Andrews moved the following amendment: Page 8, omit items 7 and 8.

Amendment negatived.

Schedule agreed to.

Schedule 2—

Mr K. J. Andrews moved the following amendment: Page 9, omit items 1 to 11.

Amendment negatived.

On the motion of Mr Hall, the following amendment was made: Page 9, after item 11 insert the following item:

#### “11A. Subitem 97(3) of Schedule 1:

Omit the definition of ‘eligible disabled person’, substitute the following definition:

‘ “eligible disabled person” means a person who has a current certificate given by the Secretary, certifying that the person has lost the use of one or more limbs to such an extent that he or she is unable to use public transport;’ ”.

Mr K. J. Andrews moved the following amendment: Pages 10 and 11, omit items 12 to 15.

Amendment negatived.

Schedule, as amended, agreed to.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Gear, by leave, the Bill was read a third time.

#### 7 SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) MODIFICATION (GENERAL) BILL 1995

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

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

*Consideration in detail*

Clauses 1 to 7, by leave, taken together, and agreed to.

Schedule 1—

Mr K. J. Andrews moved the following amendment: Page 8, omit items 7 and 8.

Amendment negatived.

Schedule agreed to.

Schedule 2—

Mr K. J. Andrews moved the following amendment: Page 9, omit items 1 to 11.

Amendment negatived.

On the motion of Mr Hall, the following amendment was made: Page 9, after item 11 insert the following item:

##### **“11A. Subitem 97(3) of Schedule 1:**

Omit the definition of ‘eligible disabled person’, substitute the following definition:

‘ “eligible disabled person” means a person who has a current certificate given by the Secretary, certifying that the person has lost the use of one or more limbs to such an extent that he or she is unable to use public transport;’ ”.

Mr K. J. Andrews moved the following amendment: Pages 10 and 11, omit items 12 to 15.

Amendment negatived.

Schedule, as amended, agreed to.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Gear, by leave, the Bill was read a third time.

#### 8 DECLARATION OF BILLS AS COGNATE BILLS

Mr Elliott (Parliamentary Secretary to the Treasurer), by leave, declared that the Civil Aviation Legislation Amendment Bill 1995 and the Air Services Bill 1995 were cognate Bills.

## 9 CIVIL AVIATION LEGISLATION AMENDMENT BILL 1995

The order of the day having been read for the second reading—Mr Elliott (Parliamentary Secretary to the Treasurer) moved—That the Bill be now read a second time.

Debate ensued.

Mr P. F. Morris addressing the House—

It being 3 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

## 10 QUESTIONS

Questions without notice being asked—

### *Suspension of standing and sessional orders moved*

Mr Downer moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Mayo moving forthwith—That this House censures the Government for abrogating the principle of ministerial responsibility by refusing to have the Minister for Aboriginal and Torres Strait Islander Affairs attend the House at question time today to answer serious questions on matters directly relevant to his ministerial responsibilities.

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, 61

Mr Abbott	Mr Downer	Mr McLachlan	Mr Slipper
Mr Aldred	Mr R. D. C. Evans	Mr Miles	Mr B. M. Smyth
Mr Anderson	Mr Filing	Mr Moore	Mr Somlyay
Mr J. N. Andrew	Mr Fischer	Mrs Moylan	Mrs Sullivan
Mr K. J. Andrews	Mr Forrest	Mr Nehl	Mr Taylor
Mr Atkinson	Mr Georgiou	Mr Neville	Mr Thomson
Mr Beale	Mr Hall	Mr Nugent	Mr Truss
Mrs Bishop	Mr Halverson	Mr Prosser	Mr Tuckey
Mr Bradford	Mr Hawker*	Mr Pyne	Mr Vaile
Mr Braithwaite	Mr Hicks*	Mr Reid	Mr Wakelin
Mr Cadman	Mr Jull	Mr Rocher	Mr Williams
Mr Cameron	Dr Kemp	Mr Ronaldson	Dr Wooldridge
Mr Charles	Mr Lieberman	Mr Ruddock	Ms Worth
Mr Cobb	Mr Lloyd	Mr B. C. Scott	
Mr Connolly	Mr McArthur	Mr Sharp	
Mr Costello	Mr McGauran	Mr Sinclair	

## NOES, 72

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

\* Tellers

And so it was negatived.

Questions without notice continued.

**11 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER**

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 30 of 1994-95—Efficiency audit—Commonwealth Government information and advertising.

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

- (1) this House authorises the publication of the Auditor-General's audit report No. 30 of 1994-95; and
- (2) the report be printed.

Question—put and passed.

**12 INTERNATIONAL LABOUR ORGANISATION INSTRUMENTS—COMPLIANCE REPORT—MOTION TO TAKE NOTE OF PAPER**

Mr Beazley (Leader of the House) presented the following paper:

International Labour Organisation Instruments—Convention 175 and recommendation 182—Part time work—Compliance report—

and moved—That the House take note of the paper.

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

**13 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

The House was informed that Mr McLachlan had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Minister for Aboriginal and Torres Strait Islander Affairs to properly consider all the evidence when making a Declaration banning the development of a bridge to Hindmarsh Island for twenty-five years".

The proposed discussion having received the necessary support—

Mr McLachlan rising to address the House—

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

Question—put and passed.

**14 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) BILL 1995—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Student and Youth Assistance Amendment (Youth Training Allowance) Bill 1995 had been fully considered by the Main Committee, a Governor-General's message recommending an appropriation for the purposes of amendments had been reported, and the Bill had been agreed to with amendments (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

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

**15 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL 1995—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Customs and Excise Legislation Amendment Bill 1995 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

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

**16 MESSAGE FROM THE SENATE**

Message No. 452, dated 7 June 1995, from the Senate was reported acquainting the House that Senator West had been appointed a member of the Joint Committee on Foreign Affairs, Defence and Trade.

**17 MESSAGE FROM THE SENATE—COMMONWEALTH ELECTORAL AMENDMENT BILL 1995**

The following message from the Senate was reported:

Message No. 453

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Commonwealth Electoral Act 1918', and for related purposes*", 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.

MICHAEL BEAHAN  
President

The Senate

Canberra, 7 June 1995

Ordered—That the amendment be considered forthwith.

## SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Schedule, page 9, item 34, proposed subsection 314AEA(3), omit “(either before or after the commencement of this section)”, substitute “after the commencement of this section”.

On the motion of Mr Walker (Minister for Administrative Services), the amendment was agreed to.

**18 POSTPONEMENT OF ORDERS OF THE DAY**

Ordered—That orders of the day Nos. 5 to 8, government business, be postponed until a later hour this day.

**19 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 1) 1995**

Mr Free (Minister for Schools, Vocational Education and Training), for Mr Crean (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Higher Education Funding Act 1988*, and for related purposes.

Bill read a first time.

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

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

**20 CHILD CARE LEGISLATION AMENDMENT BILL 1995**

Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health), for Dr Lawrence (Minister for Human Services and Health), pursuant to notice, presented a Bill for an Act to amend legislation relating to child care, and for related purposes.

Bill read a first time.

*Paper:* Dr Theophanous presented an explanatory memorandum to the Bill.

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

**21 CIVIL AVIATION LEGISLATION AMENDMENT BILL 1995**

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. 280, dated 6 April 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

*Consideration in detail*

Clauses 1 to 18, by leave, taken together, and agreed to.

Clause 19—

Mr Johns (Special Minister of State), by leave, moved the following amendments together:

Page 8, subclause (2), line 20, after “equitable interest in” insert “respect of”.

Page 8, subclause (3), line 23, after “AA” insert “or CASA”.

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

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 20 to 22, by leave, taken together, and agreed to.

Schedule 1—

On the motion of Mr Johns, by leave, the following amendments were made together:

Page 11, item 12, after the proposed definition of “AOC” insert:

“ **‘aviation safety standards’** means standards relating to the following:

- (a) the flight crews engaged in operations of aircraft;
- (b) the design, construction, maintenance, operation and use of aircraft and related equipment;
- (c) the planning, construction, establishment, operation and use of aerodromes;
- (d) the establishment and use of airspace;
- (e) the planning, construction, establishment, maintenance, operation and use of:
  - (i) facilities of the kind referred to in paragraph 8(1)(a) of the *Air Services Act 1995*; and
  - (ii) services of the kind referred to in paragraph 8(1)(b) of the *Air Services Act 1995*;
 and any construction associated with those facilities or services;
- (f) the personnel engaged in:
  - (i) the maintenance of aircraft and related equipment; or
  - (ii) anything referred to in paragraph (c) or (e);”.

Page 11, item 12, omit the proposed definition of “consultancy services”.

Mr Sharp moved the following amendment: Pages 11 and 12, item 14, omit the item, substitute the following item:

**“14. After section 3:**

Insert:

**Main object of this Act**

‘3A. The main object of this Act is to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation in an effective and economical way, with particular emphasis on preventing aviation accidents and incidents whilst recognising the need for more people to benefit from civil aviation.’”.

Debate continued.

Amendment negatived.

On the motion of Mr Johns, the following amendment was made: Pages 11 and 12, omit item 14, substitute:

**“14. After section 3:**

Insert:

**Main object of this Act**

‘3A. The main object of this Act is to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.’”.

On the motion of Mr Johns, by leave, the following amendments were made together:

Page 12, after item 16 insert:

**“16A. Paragraph 7(ab):**

Omit ‘section 10A’, substitute ‘subsection 9(4)’.”.

Page 13, omit item 21, substitute:

**“21. Section 9:**

Repeal the section, substitute:

**CASA’s functions**

‘9.(1) CASA has the function of conducting the safety regulation of the following, in accordance with this Act and the regulations:

- (a) civil air operations in Australian territory;
- (b) the operation of Australian aircraft outside Australian territory;

by means that include the following:

- (c) developing and promulgating appropriate, clear and concise aviation safety standards;
- (d) developing effective enforcement strategies to secure compliance with aviation safety standards;
- (e) issuing certificates, licences, registrations and permits;
- (f) conducting comprehensive aviation industry surveillance, including assessment of safety-related decisions taken by industry management at all levels for their impact on aviation safety;
- (g) conducting regular reviews of the system of civil aviation safety in order to monitor the safety performance of the aviation industry, to identify safety-related trends and risk factors and to promote the development and improvement of the system;
- (h) conducting regular and timely assessment of international safety developments.

‘(2) CASA also has the following safety-related functions:

- (a) encouraging a greater acceptance by the aviation industry of its obligation to maintain high standards of aviation safety, through:
  - (i) comprehensive safety education and training programs; and
  - (ii) accurate and timely aviation safety advice; and
  - (iii) fostering an awareness in industry management, and within the community generally, of the importance of aviation safety and compliance with relevant legislation;
- (b) promoting full and effective consultation and communication with all interested parties on aviation safety issues.

‘(3) CASA also has the following functions:

- (a) co-operating with the Bureau of Air Safety Investigation in relation to the investigation of aircraft accidents and incidents;
- (b) any functions conferred on CASA under the *Civil Aviation (Carriers' Liability) Act 1959*, or under a corresponding law of a State or Territory;
- (c) any functions conferred on CASA under the *Air Navigation Act 1920*;
- (d) any other functions prescribed by the regulations, being functions relating to any matters referred to in this section;
- (e) promoting the development of Australia's civil aviation safety capabilities, skills and services, for the benefit of the Australian community and for export;
- (f) providing consultancy and management services relating to any of the matters referred to in this section, both within and outside Australian territory;
- (g) any functions incidental to any of the functions specified in this section.

‘(4) In performing the function under paragraph (3)(f), CASA may, under a contract with a foreign country or with an agency of a foreign country, provide services for that country or agency in relation to the regulation of the safety of air navigation or any other matter in which CASA has expertise. Those services may include conducting safety regulation in relation to foreign aircraft under the law of a foreign country.

‘(5) CASA's functions do not include responsibility for aviation security.’.”

Page 14, item 23, proposed subsection 9A(2), after “CASA must” insert “exercise its powers and”.

Mr Sharp moved the following amendment: Page 14, item 23, after proposed subsection 9A(2) add the following subsection:

“ ‘(3) Subject to subsection (1), CASA must exercise its powers and perform its functions in a manner that, as far as practicable:

- (a) is economical and effective; and
- (b) promotes and fosters civil aviation.’.”

Debate continued.

Amendment negatived.

On the motion of Mr Punch (Minister for Defence Science and Personnel), by leave, the following amendments were made together:

Page 14, after item 23 insert:

**“23A. Section 10:**

Repeal the section.

**23B. Section 10A:**

Repeal the section.”.

Pages 14 and 15, omit items 24 to 31 (inclusive).

Page 16, omit item 43, substitute:

**“43. Subsection 13(4):**

Omit ‘facility or’.”.

Mr Sharp, by leave, moved the following amendments together:

Page 17, item 57, omit the item, substitute the following item:

**“57. Subsection 20A(1):**

Omit the subsection, substitute:

‘20A.(1) No person may operate an aircraft in a careless or reckless manner so as to endanger the life of another person.’”.

Page 17, item 58, omit the item, substitute the following item:

**“58. Subsection 20A (2):**

Omit the subsection, substitute:

‘(2) No person may operate an aircraft in a careless or reckless manner so as to endanger the person or property of another person.’”.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 56

Mr Abbott	Mr Downer	Mr McArthur	Mr B. C. Scott
Mr Aldred	Mr R.D.C.Evans	Mr McGauran	Mr Sharp
Mr J. N. Andrew	Mr Filing	Mr Mack	Mr Slipper
Mr K. J. Andrews	Mr Forrest	Mr McLachlan	Mr B. M. Smyth
Mr Atkinson	Mrs Gallus	Mr Miles	Mr Somlyay
Mr Beale	Mr Hall	Mrs Moylan	Mrs Sullivan
Mrs Bishop	Mr Halverson	Mr Neville	Mr Taylor
Mr Bradford	Mr Hawker*	Mr Nugent	Mr Thomson
Mr Braithwaite	Mr Hicks*	Mr Prosser	Mr Truss
Mr Cadman	Mr Jull	Mr Pyne	Mr Vaile
Mr Cameron	Mr Katter	Mr Reid	Mr Wakelin
Mr Charles	Dr Kemp	Mr Rocher	Mr Williams
Mr Cobb	Mr Lieberman	Mr Ronaldson	Dr Wooldridge
Mr Costello	Mr Lloyd	Mr Ruddock	Ms Worth

NOES, 71

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

\* Tellers

And so it was negatived.

On the motion of Mr Punch, by leave, the following amendments were made together:

Page 17, omit items 57 and 58.

Page 23, item 82, proposed subparagraph 28(1)(b)(i), after “suitable” insert “to ensure that the AOC operations can be conducted or carried out safely”.

Page 26, item 89, after proposed subsection 28BE(3) insert:

“(3A) No action lies, for damages or compensation, in respect of a contravention of this section.”.

Page 31, after item 122 insert:

**“122A. After subsection 42(4):**

Insert:

‘(4A) If the Minister is of the opinion that:

- (a) CASA has failed to comply with section 12B; or
- (b) the Board has failed to comply with subsection 44(3);

the Minister may terminate the appointment of all members (other than the Director) or specified members (other than the Director).’.”.

Page 32, item 123, at the end of proposed section 45 add:

“(6) The Minister must cause a copy of the corporate plan to be laid before each House of Parliament:

- (a) within 15 sitting days after the Minister responded to the plan, if the Minister’s response did not include a direction to vary the plan; or
- (b) within 15 sitting days after the Minister received a revised plan, if the Minister’s response included a direction to vary the plan.”.

Mr Sharp moved the following amendment: Page 35, item 141, omit the item, substitute the following item:

**“141 Section 96:**

Repeal the section, substitute:

**Tabling of directions or notices of the Minister**

‘96. Where the Minister gives a direction under section 12, 12B or 45 or a notice under section 12A, the Minister shall cause a copy of the direction or notice to be laid before each House of the Parliament within 15 sitting days of that House after the giving of the direction or the notice.’.”.

Debate continued.

Amendment negatived.

On the motion of Mr Punch, the following amendment was made: Page 36, omit item 149, substitute:

**“149. Subsection 98(3):**

Add at the end:

- ‘; (r) standards relating to the establishment and use of airspace;
- (s) the planning, construction, establishment, maintenance, operation and use of:
  - (i) facilities of the kind referred to in paragraph 8(1)(a) of the *Air Services Act 1995*; and
  - (ii) services of the kind referred to in paragraph 8(1)(b) of the *Air Services Act 1995*;

- and any construction associated with those facilities or services;
- (t) the personnel engaged in anything referred to in paragraph (s);
  - (u) prescribing fees (either by specifying amounts or by prescribing a method of calculation) in relation to services, applications or requests, or the doing of anything, under this Act, the regulations or the Civil Aviation Orders.’”.

Schedule, as amended, agreed to.

Schedule 2—

On the motion of Mr Punch, the following amendment was made: Page 38, after item 3 insert:

**“3A. Paragraph 42(4A)(b):**

Add at the end ‘or’.

**3B. After paragraph 42(4A)(b):**

Insert:

‘(c) the members have failed to comply with:

- (i) subsection 13(2) of the *Commonwealth Authorities and Companies Act 1995*; or
- (ii) paragraph 16(1)(a) or (b) of the *Commonwealth Authorities and Companies Act 1995*;’”.

Schedule, as amended, agreed to.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Punch, by leave, the Bill was read a third time.

## 22 AIR SERVICES BILL 1995

The order of the day having been read for the second reading—Mr Punch (Minister for Defence Science and Personnel) moved—That the Bill be now read a second time.

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

*Consideration in detail*

Clause 1 agreed to.

Clause 2—

On the motion of Mr Punch, the following amendment was made: Page 2, subclause (2), line 9, omit “section 13”, substitute “sections 13 and 14”.

Clause, as amended, agreed to.

Clauses 3 to 8, by leave, taken together, and agreed to.

Clause 9—

On the motion of Mr Punch, the following amendment was made: Page 6, subclause (2), line 24, after “AA must” insert “exercise its powers and”.

Mr Sharp moved the following amendment: Page 6, after subclause (2) insert the following subclause:

“(2A) Subject to subsection (1), CASA must exercise its powers and perform its functions in a manner that, as far as practicable:

- (a) is economical and effective; and
- (b) promotes and fosters civil aviation.”.

Debate continued.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 10 to 14, by leave, taken together, and agreed to.

*Proposed new clause—*

Mr Sharp moved the following new clause be inserted in the Bill:

**Tabling of corporate plan**

“**14A.** The Minister must cause a copy of the corporate plan to be laid before each House of Parliament:

- (a) within 15 sitting days after the Minister received the plan, if the Minister did not direct the members to vary the plan; or
- (b) within 15 sitting days after the Minister received a revised plan, if the Minister did direct the members to vary the plan.”.

Debate ensued.

Proposed new clause negatived.

Clauses 15 to 54, by leave, taken together, and agreed to.

Clause 55—

On the motion of Mr Punch, the following amendment was made: Page 23, subclause (2), lines 2 and 3, omit “, or such other percentage as is prescribed by the regulations,”.

Clause, as amended, agreed to.

Clauses 56 to 72, by leave, taken together, and agreed to.

*Proposed new clause—*

Mr Sharp moved the following new clause be inserted in the Bill:

**Tabling of directions or notices of the Minister**

“**72A.** Where the Minister gives a direction under section 14, 15, 17, 45 or 46 or a notice under section 16 or 53, the Minister shall cause a copy of the direction or notice to be laid before each House of the Parliament within 15 sitting days of that House after the giving of the direction or notice.”.

Debate ensued.

Proposed new clause negatived.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Punch, by leave, the Bill was read a third time.

**23 AN AUSTRALIAN REPUBLIC—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Mr Keating (Prime Minister), by leave, made a ministerial statement relating to an Australian republic and presented the following paper:

An Australian Republic—Ministerial statement, 7 June 1995.

Mr Beazley (Leader of the House) moved—That the House take note of the paper. *Suspension of standing and sessional orders—Extended time for speech.* Mr Beazley, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Howard (Leader of the Opposition) speaking for a period not exceeding 30 minutes when the debate is resumed.

Question—put and passed.

Debate adjourned (Mr Fischer—Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

#### 24 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the House, at 8.10 p.m., adjourned until tomorrow at 9.30 a.m.

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#### ATTENDANCE

All Members attended (at some time during the sitting) except Mr Brereton, Mr Dobie, Mr Holding, Mr Jones, Mr Kerr, Mr O'Keefe, Mr Reith and Mr L. J. Scott.

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**L. M. BARLIN**

Clerk of the House of Representatives

1993-94-95

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 143

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**MAIN COMMITTEE**

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**MINUTES OF PROCEEDINGS**  
**WEDNESDAY, 7 JUNE 1995**

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1 The Main Committee met at 10 a.m.

**2 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) BILL 1995**

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

*Papers:* Mr Free presented the following papers:

Supplementary explanatory memorandum.

Correction to the explanatory memorandum to the Bill.

Debate ensued.

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

*Message from the Governor-General:* Message No. 276, dated 29 May 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments to the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

On the motion of Mr Free, by leave, the following amendments were made together, after debate:

Clause 2, page 2, subclauses (3) and (4), lines 5 to 9, omit the subclauses, substitute the following subclause:

“(3) Schedules 2, 3 and 4 commence, or are taken to have commenced, on 1 July 1995.”.

Schedule 4, page 10, omit the Schedule, substitute the following Schedule:

**“SCHEDULE 4**

Section 3

**AMENDMENTS RELATING TO COMPENSATION RECOVERY**

**1. Paragraph 227(2)(a):**

Omit ‘is qualified for’, substitute ‘claims or receives’.

**2. Subsection 227(8):**

Omit 'is qualified for', substitute 'claims or receives'.

**3. Subsection 227(8):**

After 'granted' insert 'and is not payable'.

**4. Subsection 227(9):**

Omit 'is qualified for', substitute 'claims or receives'.

**5. Subsection 227(9):**

After 'granted' insert 'and is not payable'.

**6. Subsection 227(10):**

Omit the subsection.

**7. Paragraph 228(1)(a):**

Omit 'is qualified for', substitute 'claims or receives'.

**8. Paragraph 228(2)(a):**

Omit 'is qualified for', substitute 'claims or receives'.

**9. Subsections 229(2), (3) and (4):**

Omit the subsections, substitute:

*Method of working out recoverable amount*

“(2) Subject to subsection (5), the amount specified in the notice is the **recoverable amount** and is worked out under subsection (3), (4), (4A) or (4B).

*Person not member of couple*

“(3) If the person is not a member of a couple, the **recoverable amount** is equal to the smaller of the following amounts:

- (a) the compensation part of the lump sum compensation payment;
- (b) the sum of the payments of youth training allowance made to the person for the lump sum preclusion period.

*Person member of couple*

“(4) If:

- (a) the person is a member of a couple; and
- (b) the person's partner does not receive a compensation affected payment or youth training allowance for the lump sum preclusion period;

the **recoverable amount** is equal to the smaller of the following amounts:

- (c) the compensation part of the lump sum compensation payment;
- (d) the sum of the payments of youth training allowance made to the person for the lump sum preclusion period.

Note: For 'compensation affected payment' see subsection 17(1) of the Social Security Act.

*Person's partner receiving youth training allowance or compensation affected payment other than parenting allowance*

“(4A) If:

- (a) the person is a member of a couple; and
- (b) the person's partner receives a compensation affected payment (other than parenting allowance) or youth training allowance for the lump sum preclusion period;

the **recoverable amount** is equal to the smaller of the following amounts:

- (c) the compensation part of the lump sum compensation payment;
- (d) the sum of:
  - (i) the payments of youth training allowance made to the person and to the person's partner for the lump sum preclusion period; and
  - (ii) the payments of the compensation affected payment (excluding any payments of parenting allowance) made to the person's partner under the Social Security Act for the lump sum preclusion period and that have not been recovered under the provision of that Act that corresponds to this section.

*Person's partner receiving parenting allowance*

“(4B) If:

- (a) the person is a member of a couple; and
- (b) the person's partner receives a parenting allowance for the whole or a part of the lump sum preclusion period;

the **recoverable amount** is equal to the smaller of the following amounts:

- (c) the compensation part of the lump sum compensation payment;
- (d) the sum of:
  - (i) the payments of youth training allowance made to the person and to the person's partner for the lump sum preclusion period; and
  - (ii) the payments of any compensation affected payment (excluding payments of parenting allowance) made to the person's partner under the Social Security Act for the lump sum preclusion period and that have not been recovered under the provision of that Act that corresponds to this section; and
  - (iii) any payments of parenting allowance in excess of the maximum basic component of parenting allowance made to the person's partner under the Social Security Act for the lump sum preclusion period and that have not been recovered under the provision of that Act that corresponds to this section.

Note 1: For the maximum basic component of parenting allowance see point 1068A-B6 of the Parenting Allowance Rate Calculator at the end of section 1068A of the Social Security Act.

Note 2: If the partner of a compensation recipient claims or is receiving parenting allowance, the allowance may be reduced during the lump sum preclusion period under subsection 1165(2B) of the Social Security Act.

#### **10. Subsections 233(2), (3) and (4):**

Omit the subsections, substitute:

*Method of working out recoverable amount*

“(2) The amount specified in the notice is the **recoverable amount** and is worked out under subsection (3), (4), (5) or (6).

*Person not member of couple*

“(3) If the person is not a member of a couple, the **recoverable amount** is equal to the smaller of the following amounts:

- (a) the sum of the periodic compensation payments;

- (b) the sum of the payments of youth training allowance made to the person for the periodic payments period.

*Person member of couple*

“(4) If:

- (a) the person is a member of a couple; and
- (b) the person’s partner does not receive a compensation affected payment or youth training allowance for the periodic payments period;

the **recoverable amount** is equal to the smaller of the following amounts:

- (c) the sum of the periodic compensation payments;
- (d) the sum of the payments of youth training allowance made to the person for the periodic payments period.

*Person’s partner receiving youth training allowance or compensation affected payment other than parenting allowance*

“(5) If:

- (a) the person is a member of a couple; and
- (b) the person’s partner receives a compensation affected payment (other than parenting allowance) or youth training allowance for the periodic payments period;

the **recoverable amount** is equal to the smaller of the following amounts:

- (c) the sum of the periodic compensation payments;
- (d) the sum of:
  - (i) the payments of youth training allowance made to the person and to the person’s partner for the periodic payments period; and
  - (ii) the payments of the compensation affected payment (excluding any payments of parenting allowance) made to the person’s partner under the Social Security Act for the periodic payments period and that have not been recovered under the provision of that Act that corresponds to this section.

*Person’s partner receiving parenting allowance*

“(6) If:

- (a) the person is a member of a couple; and
- (b) the person’s partner receives a parenting allowance for the whole or a part of the periodic payments period;

the **recoverable amount** is equal to the smaller of the following amounts:

- (c) the sum of the periodic compensation payments;
- (d) the sum of:
  - (i) the payments of youth training allowance made to the person and to the person’s partner for the periodic payments period; and
  - (ii) the payments of any compensation affected payment (excluding any payments of parenting allowance) made to the person’s partner under the Social Security Act for the periodic payments period and that have not been recovered under the provision of that Act that corresponds to this section; and
  - (iii) any payments of parenting allowance in excess of the maximum basic component of parenting allowance made to the person’s

partner under the Social Security Act for the periodic payments period and that have not been recovered under the provision of that Act that corresponds to this section.

Note 1: For the maximum basic component of parenting allowance see point 1068A-B6 of the Parenting Allowance Rate Calculator at the end of section 1068A of the Social Security Act.

Note 2: If the partner of a compensation recipient claims or is receiving parenting allowance, the allowance may be reduced during the periodic payments period under subsection 1168(6) of the Social Security Act.

**11. Section 234:**

Add at the end:

‘Note: For “ordinary income” see section 8 of the Social Security Act.’.

**12. Paragraph 237(6)(c):**

Before ‘the sum of’ insert ‘subject to subsection (6A),’.

**13. Subparagraph 237(6)(c)(ii):**

Omit ‘pension, benefit or allowance’, substitute ‘compensation affected payment’.

**14. After subsection 237(6):**

Insert:

‘(6A) For the purposes of paragraph (6)(c), any payment of parenting allowance payable to the person’s partner for the periodic payments period or the lump sum preclusion period is to be disregarded so far as it does not exceed the maximum basic component of parenting allowance.

Note: For the “maximum basic component of parenting allowance” see point 1068A-B6 of the Parenting Allowance Rate Calculator at the end of section 1068A of the Social Security Act.’.

**15. Paragraph 243(1)(a):**

Before ‘in respect of’ insert ‘wholly or partly’.

**16. Paragraph 243(6)(c):**

Before ‘the sum of’ insert ‘subject to subsection (6A),’.

**17. Subparagraph 243(6)(c)(ii):**

Omit ‘pension, benefit or allowance’, substitute ‘compensation affected payment’.

**18. After subsection 243(6):**

Insert:

‘(6A) For the purposes of paragraph (6)(c), any payment of parenting allowance payable to the person’s partner for the periodic payments period or the lump sum preclusion period is to be disregarded so far as it does not exceed the maximum basic component of parenting allowance.

Note: For the “maximum basic component of parenting allowance” see point 1068A-B6 of the Parenting Allowance Rate Calculator at the end of section 1068A of the Social Security Act.’.

**19. Paragraph 248(2)(a):**

Omit ‘is qualified for’, substitute ‘claims or receives’.

**20. Paragraph 248(2)(c):**

Omit ‘qualification for’, substitute ‘claim for or receipt of’.

Schedule 11, page 22, add at the end the following item:

**“2. Payments of youth training allowance made before commencement of Schedule**

(1) This item applies to a person whose claim for youth training allowance was granted before the commencement of this Schedule if:

- (a) an amount, purporting to have been an amount of youth training allowance, was paid to the person for a period that ended before the commencement of this Schedule; and
- (b) that amount was not the amount of youth training allowance payable to the person for that period under Part 8 of the Principal Act because:
  - (i) the person’s rate of youth training allowance for the period was worked out by taking into account a reduction for parental income; and
  - (ii) a loan benefit received by a parent of the person, and having a value other than nil, was taken into account in calculating that reduction for parental income.

(2) Despite Part 8 of the Principal Act, if the amount (**‘received amount’**), purporting to have been an amount of youth training allowance, paid to the person for a particular period that ended before the commencement of this Schedule is more than the amount of youth training allowance that would have been payable to the person for that period if clause 16 of Schedule 3 of the Principal Act as amended by item 1 of this Schedule had been then in force:

- (a) the person is, on the commencement of this Schedule, entitled to be paid for that period an amount of youth training allowance equal to the amount (if any) by which the received amount exceeds the amount (**‘correct amount’**) of youth training allowance that was payable to the person for that period under Part 8 of the Principal Act; and
- (b) the difference between the received amount and the correct amount is to be set off against the amount payable to the person under paragraph (a) and may not be recovered otherwise from the person; and
- (c) the person is not entitled to be paid for that period any amount of youth training allowance in addition to the received amount.

(3) Despite Part 8 of the Principal Act, if the amount (**‘received amount’**), purporting to have been an amount of youth training allowance, paid to the person for a particular period that ended before the commencement of this Schedule is less than the amount (**‘standard amount’**) of youth training allowance that would have been payable to the person for that period if clause 16 of Schedule 3 of the Principal Act as amended by item 1 of this Schedule had been then in force:

- (a) the person is, on the commencement of this Schedule, entitled to be paid for that period an amount of youth training allowance equal to the amount (if any) by which the standard amount exceeds the amount (**‘correct amount’**) of youth training allowance that was payable to the person for that period under Part 8 of the Principal Act; and
- (b) if the received amount exceeds the correct amount—the amount of the excess is to be set off against the amount payable to the person under paragraph (a) and may not be recovered otherwise from the person; and
- (c) the person is not entitled to be paid for that period any amount of youth training allowance in addition to the standard amount.

(4) The Consolidated Revenue Fund is appropriated as necessary for the purposes of this item.

(5) In this item:

‘**Principal Act**’ means the *Student and Youth Assistance Act 1973*.”.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

### 3 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL 1995

The order of the day having been read for the second reading—Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved—That the Bill be now read a second time.

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*Suspension of sitting:* At noon, a division having been called in the House, the proceedings were suspended.

*Resumption of sitting:* At 12.11 p.m., the proceedings were resumed.

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Debate ensued.

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*Suspension of sitting:* At 1.05 p.m., a division having been called in the House, the proceedings were suspended.

*Resumption of sitting:* At 1.19 p.m., the proceedings were resumed.

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Debate continued.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Lindsay, Bill to be reported to the House without amendment.

### 4 DECLARATION OF BILLS AS COGNATE BILLS

Mr Beddall (Minister representing the Minister for Primary Industries and Energy), by leave, declared that the following bills were cognate bills:

Meat and Live-stock Industry 1995;

Australian Meat and Live-stock (Quotas) Amendment 1995;

Meat and Live-stock Industry Legislation Repeal 1995;

Beef Production Levy Amendment 1995;

Live-stock Export Charge Amendment 1995;

Live-stock Slaughter Levy Amendment 1995;

Cattle Transaction Levy 1995;

Cattle Export Charges Amendment 1995;

National Residue Survey Administration Amendment 1995;  
National Residue Survey (Cattle Export) Levy 1995;  
National Residue Survey (Cattle Transactions) Levy 1995;  
National Cattle Disease Eradication Trust Account Amendment 1995;  
Primary Industries Levies and Charges Collection Amendment 1995; and  
Exotic Animal Disease Control Amendment 1995.

#### 5 MEAT AND LIVE-STOCK INDUSTRY BILL 1995

The order of the day having been read for the second reading—Mr Beddall (Minister representing the Minister for Primary Industries and Energy) moved—That the Bill be now read a second time.

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*Suspension of sitting:* At 1.29 p.m., a division having been called in the House, the proceedings were suspended.

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*Resumption of sitting:* At 1.40 p.m., the proceedings were resumed.

Mr Beddall continued his speech.

Mr Anderson (Deputy Leader of the National Party of Australia) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the Main Committee deplores the fact that the Government has implemented only one of the Industry Commission’s recommendations for the industry and has ignored the others, including important recommendations relating to industrial relations reform and the Australian Quarantine Inspection Service”.

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

#### 6 ADJOURNMENT

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), the Main Committee adjourned at 2.31 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.

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**I. C. HARRIS**

Clerk of the Main Committee