

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 162

TUESDAY, 19 SEPTEMBER 1995

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 MESSAGE FROM THE SENATE—TRADE MARKS BILL 1995

Message No. 533, dated 18 September 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act relating to trade marks*".

Bill read a first time.

Paper: Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) presented an explanatory memorandum to the Bill.

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

3 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 1) 1995

The following message from the Senate was reported:

Message No. 531

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend legislation relating to social security, and for related purposes*", and acquaints the House that the Senate has agreed to the bill as amended by the House at the request of the Senate, with the amendments indicated by the annexed schedule.

The Senate requests the concurrence of the House in the amendments made by the Senate.

MICHAEL BEAHAN
President

The Senate

Canberra, 18 September 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 2, subclause (5), lines 11 and 12, omit the subclause.

No. 2—Schedule 16, page 54, at end of Part 1 add the following item:

“59A. After section 1184:

Insert:

Application to review compensation decision—disability support pension and disability wage supplement

‘1184A.(1) This section applies if a person claims a disability support pension or disability wage supplement and:

- (a) the Secretary decides under section 1164 that the disability support pension or disability wage supplement is not to be granted or is not payable; or
- (b) the Secretary decides under section 1165 that the disability support pension or disability wage supplement is not payable; or
- (c) the Secretary decides that, if the person were qualified for the disability support pension or disability wage supplement, the fortnightly rate of the disability support pension or disability wage supplement would be reduced to nil under section 1168.

‘(2) If:

- (a) an application is made for a review of that decision to the Social Security Appeals Tribunal under section 1247; and
- (b) at the time of the application the Secretary has not taken the necessary steps to satisfy himself or herself as to whether the person is qualified for the disability support pension or disability wage supplement; and
- (c) the person who claimed the disability support pension or disability wage supplement requests the Secretary, in writing, to take those steps;

the Secretary must take those steps as soon as practicable after the request is made.’”.

No. 3—Schedule 20, page 75, item 38, proposed paragraph 771HA(1)(c), omit “, youth training allowance”.

No. 4—Schedule 20, page 76, item 38, proposed paragraph 771HA(1)(g), omit “, youth training allowance”.

No. 5—Schedule 20, page 76, items 39 and 40, omit the items.

No. 6—Schedule 20, pages 76 and 77, items 42 to 45, omit the items.

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training), the amendments were agreed to, after debate.

4 MESSAGE FROM THE SENATE—SOCIAL SECURITY (NON-BUDGET MEASURES) LEGISLATION AMENDMENT BILL 1995

The following message from the Senate was reported:

Message No. 532

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the law relating to social security, and for related purposes*", and acquaints the House that the Senate has agreed to the bill as amended by the House at the request of the Senate, with the amendments indicated by the annexed schedule.

The Senate requests the concurrence of the House in the amendments made by the Senate.

MICHAEL BEAHAN
President

The Senate

Canberra, 18 September 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Part 2, page 8, Division 6, lines 17 to 33, omit the Division, substitute the following Division:

"Division 6—Sole parent pension

Family relationships definitions—couples

"14. Section 4 of the Principal Act is amended:

- (a) by inserting in the definition of 'member of a couple' in subsection (1) ', (3A)' after '(3)';
- (b) by inserting in paragraph (2)(a) 'or indefinite' after 'permanent';
- (c) by omitting from subparagraph (2)(b)(i) 'is living' and substituting 'has a relationship';
- (d) by omitting from subparagraph (2)(b)(iii) 'subsection (3)' and substituting 'subsections (3) and (3A)';
- (e) by inserting after subsection (3):

'(3A) The Secretary must not form the opinion that the relationship between a person and his or her partner is a marriage-like relationship if the person is living separately and apart from the partner on a permanent or indefinite basis.'

Qualification for sole parent pension

"14A. Section 249 of the Principal Act is amended:

- (a) by omitting subparagraph (1)(a)(iii);
- (b) by omitting from paragraph (1A)(a) 'is living' and substituting 'has a relationship';
- (c) by adding at the end of subsection (1B) 'and subsection 4(3A)'.

Consequential amendments

"14B.(1) Each of the following provisions of the Principal Act is amended by inserting 'or indefinite' after 'permanent' (wherever occurring):

subsection 4(5)

paragraph 4(9A)(c)
 paragraph 24(1)(b)
 subsection 263(2)
 subsections 264(3) and (4)
 subsection 282(2)
 subsections 283(3) and (4)
 subparagraph 296(3)(c)(ii).

“(2) Section 4 of the Principal Act is amended by omitting from subsection (4) ‘is not living with the other person in a marriage-like relationship’ and ‘is not living in a marriage-like relationship with the other person’ and substituting in each case ‘does not have a marriage-like relationship with the other person’.

“(3) Each of the following provisions is amended by omitting ‘is not living with the other person in a marriage-like relationship’ and substituting ‘does not have a marriage-like relationship with the other person’:

subsection 264(2)
 subsection 283(2)
 subparagraph 296(3)(c)(i).

“(4) Section 24 of the Principal Act is amended by omitting from paragraph (2)(a) ‘is living’ and substituting ‘has a relationship’.

“(5) Each of the following provisions of the Principal Act is amended by omitting ‘is living with the other person in a marriage-like relationship’ and substituting ‘has a marriage-like relationship with the other person’:

subsection 264(1)
 subsection 283(1).

“(6) Each of the following provisions of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting:

- ‘(a) a person has a relationship with a person of the opposite sex (“**other person**”); and
- (b) the relationship between them is a marriage-like relationship in the Secretary’s opinion (formed after the Secretary has had regard to all the circumstances of the relationship, including, in particular, the matters referred to in paragraphs 4(3)(a) to (e) and subsection 4(3A));’:

subsection 1064(4)
 subsection 1066(3)
 subsection 1066A(5)
 subsection 1067(2)
 subsection 1067E(2)
 subsection 1068(2).

“(7) Each of the following provisions of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting:

- ‘(a) a person who is permanently blind has a relationship with a person of the opposite sex (“**other person**”); and

- (b) the relationship between them is a marriage-like relationship in the Secretary's opinion (formed after the Secretary has had regard to all the circumstances of the relationship, including, in particular, the matters referred to in paragraphs 4(3)(a) to (e) and subsection 4(3A));:

subsection 1065(3)

subsection 1066B(4).”.

No. 2—Part 2, page 13, Division 10, Subdivision D, lines 1 to 5, omit the Subdivision.

No. 3—Part 2, Division 14, line 31 (page 16) to line 7 (page 17), omit the Division.

No. 4—Part 2, page 17, Division 16, lines 16 to 26, omit the Division.

No. 5—Part 2, Division 18, line 26 (page 18) to line 37 (page 44), omit the Division.

No. 6—Clause 140, page 47, at end of proposed section 1237AB add the following subsection:

“ (3) A notice referred to in subsection (1):

- (a) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*; and
- (b) is deemed not to specify a class of debts for the purposes of that subsection before the expiration of the time within which the notice may be disallowed by each House of the Parliament.’.”.

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training), the amendments were agreed to, after debate.

5 INDUSTRIAL RELATIONS AND OTHER 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—*And on the amendment moved thereto by Mr Reith, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the provisions of the Bill and whilst recognising that this Bill provides some improvement to the unfair dismissal provisions of the Industrial Relations Act, the House is of the opinion that, even as amended, the unfair dismissal provisions of the Industrial Relations Act remain a disincentive to job creation, that they impose a very heavy burden on business, particularly on small business, and that they were enacted without proper prior consultation”—

Debate resumed.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Brereton (Minister for Industrial Relations), the Bill was read a third time.

6 ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) AMENDMENT 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.

Debate ensued.

Mr Dodd 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.

7 QUESTIONS

Questions without notice were asked.

8 PAPERS

The following papers were presented:

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report for 1994-95.

Commonwealth Legal Aid Act—National Legal Aid Advisory Committee—Report for 1994-95.

Corporations and Securities—Parliamentary Joint Committee—First Corporate Law Simplification Bill 1994—Advisory report, 2 March 1995—Government response.

Electoral and Referendum Amendment Bill (No. 2) 1995—Supplementary explanatory memorandum.

Migration—Joint Standing Committee—Australians all: Enhancing Australian citizenship—Report, September 1994—Government response.

University of Canberra Act—Council of the University of Canberra—Report for 1994.

9 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Commonwealth Legal Aid Act—National Legal Aid Advisory Committee—Report for 1994-95.

Corporations and Securities—Parliamentary Joint Committee—First Corporate Law Simplification Bill 1994—Advisory report, 2 March 1995—Government response.

Migration—Joint Standing Committee—Australians all: Enhancing Australian citizenship—Report, September 1994—Government response.

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

10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INEQUALITY

The House was informed that Mr Georgiou had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The increase in inequality under the Keating Government and the Government's failure to admit the facts to the Australian people".

The proposed discussion having received the necessary support—
Mr Georgiou addressed the House.
Discussion ensued.
Discussion concluded.

11 ELECTORAL MATTERS—JOINT STANDING COMMITTEE

The House was informed that the Chief Government Whip had nominated Mr Ferguson to be a member of the Joint Standing Committee on Electoral Matters in place of Mr S. F. Smith.

12 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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

15 September 1995—Message No. 304—

Banking (Queensland Industry Development Corporation) Amendment 1995.

Migration Legislation Amendment (No. 5) 1995.

Racial Hatred 1995.

18 September 1995—Message No. 305—Migration Legislation Amendment (No. 6) 1995.

13 SELECTION COMMITTEE—REPORT

Mr Sawford (Acting Chair) presented the following report:

Selection Committee—Report relating to the program of business prior to 2.45 p.m. on Monday, 25 September 1995.

14 MATTER REFERRED TO MAIN COMMITTEE

Mr Punch (Minister for Defence Science and Personnel), for Mr McLeay (Chief Government Whip), pursuant to notice, moved—That the following order of the day, government business, be referred to the Main Committee for debate: Enterprise bargaining in Australia—Report—Motion to take note of paper: Resumption of debate.

Question—put and passed.

15 ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) 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. 306, dated 29 August 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Dr Theophanous (Parliamentary Secretary to the Prime Minister), the Bill was read a third time.

16 ADJOURNMENT

Dr Theophanous (Parliamentary Secretary to the Prime Minister) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 19 September 1995:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal 1995 No. 22.

Christmas Island Act—List of Western Australian Acts for the period 13 March to 8 September 1995.

Cocos (Keeling) Islands Act—List of Western Australian Acts for the period 13 March to 8 September 1995.

Currency Act—Determination 1995 No. 4.

Proclamations by His Excellency the Governor-General fixing the dates on which the following Act and provisions of an Act shall come into operation—

Communications and the Arts Legislation Amendment Act (No. 1) 1995—Items 67 and 68 of the Schedule—8 September 1995.

National Environment Protection Council Act 1994—15 September 1995.

Radiocommunications Act—Determinations—

Nos. TLS 1/1995, TLS 2/1995, TLS 3/1995, TLS 4/1995.

Radiocommunications (Licence Conditions) 1995 No. 1.

Wheat Marketing Act—Notice pursuant to section 13, 7 September 1995.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Baldwin, Mr Bilney, Mr Campbell, Mr Connolly, Mr Cunningham, Mr Dobie, Mr Griffiths, Mr Halverson, Mr Howe, Mr Jenkins, Mr Johns, Mr Jull, Mr Keating, Mr Lee, Mr Lloyd, Mr McArthur, Mr McLachlan, Mr Moore, Mr Newell, Mr Sciacca, Mr L. J. Scott, Mr Tickner and Mr Walker.

L. M. BARLIN

Clerk of the House of Representatives