

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 173

MONDAY, 23 OCTOBER 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 BANKING, FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Simmons (Chair) presented the following papers:

Banking, Finance and Public Administration—Standing Committee—Keeping the customer satisfied: Inquiry into the devolution of running costs flexibilities—

Report, 16 October 1995.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Bradford and Mr Latham made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Simmons moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Simmons was granted leave to continue his speech when the debate is resumed.

**3 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Price (Chairman) presented the following papers:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Officer education: The military after next—

Report, incorporating a dissenting report, October 1995.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Price and Mr Taylor made statements in connection with the report.

Mr Price moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Price was granted leave to continue his speech when the debate is resumed.

**4 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—  
REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr S. F. Smith (Chairman) presented the following papers:

Corporations and Securities—Parliamentary Joint Committee—Report on the annual reports of the Australian Securities Commission and other bodies: 1993-94—

Report, 23 October 1995.

Evidence received by the committee.

Ordered—That the report be printed.

Mr S. F. Smith and Mrs Bishop made statements in connection with the report.

Mr S. F. Smith moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr S. F. Smith was granted leave to continue his speech when the debate is resumed.

**5 UN ORGANISATION'S FIFTIETH ANNIVERSARY**

Mr Langmore, pursuant to notice, moved—That this House:

- (1) congratulates the UN organisation on the celebration of the fiftieth anniversary of its foundation;
- (2) warmly applauds the remarkable achievements during that period through peace making and peace keeping, encouraging economic development, enhancing human rights, strengthening environmental conservation and establishing the global infrastructure for an effective global community;
- (3) recognises that not only have there been inefficiencies, failures and inadequacies during the last fifty years which require attention, but that the growing globalisation of many aspects of economic, social and environmental activity massively increases the challenges and opportunities facing the UN during the next decades; and
- (4) calls on all governments to swiftly honour their statutory obligations to the UN by paying overdue compulsory remittances, and to combine in seeking agreement on new sources of funding which would guarantee the availability of sufficient resources to effectively provide the global common goods necessary for a peaceful, economically secure and humane world.

Debate ensued.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting Monday.

## 6 CENTRALISING OF THE ELECTRONIC MEDIA

Mr Neville, pursuant to notice, moved—That this House:

- (1) deploras the decision of the Board of the Australian Broadcasting Corporation to discontinue the 5 nights per week State-based *7.30 Report* and its replacement by a once-a-week late night substitute;
- (2) views with concern the tendency to centralising of the electronic media; and
- (3) calls for the enhancement of regional and State-based programming in the national and commercial broadcasting systems.

Debate ensued.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting Monday.

## 7 DEFENCE COOPERATION CONTROL BILL 1995

The order of the day having been read for the second reading—Mr Gibson moved—That the Bill be now read a second time.

Debate ensued.

It being 2.45 p.m., the debate was interrupted in accordance with standing order 104A and the resumption of the debate made an order of the day for the next sitting Monday.

## 8 MEMBERS' STATEMENTS

Members' statements were made.

## 9 QUESTIONS

Questions without notice being asked—

*Paper:* Mr Baldwin (Minister for Social Security) presented the following paper: Male wage inequality—Trends—Ratio of decile 9 to decile 1: 1970s to 1990s—Graph.

Questions without notice continued.

*Paper:* Mr Keating (Prime Minister) presented the following paper:

Male wage inequality—Trends—Ratio of decile 9 to decile 1: 1970s to 1990s—Graph.

Questions without notice being asked—

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### *Suspension of standing and sessional orders—Private Members' business*

Mr Beazley (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 11, private Members' business, being called on forthwith.

Question—put and passed.

### *Truth in public life*

Mr Howard (Leader of the Opposition), pursuant to notice, moved—That, notwithstanding the Government's (a) refusal to stand down the Minister for Human Services and Health until questions of honesty are resolved, (b) reckless indifference to standards of honesty in public life and (c) wilful and deliberate breach of election promises, this House reaffirms the importance of truth in public life as essential to preserving confidence in government.

Debate ensued.

*Closure:* Mr Beazley (Leader of the House) 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, 61

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

NOES, 74

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

\* Tellers

And so it was negated.

Questions without notice concluded.

10 HOUSE OF REPRESENTATIVES CHAMBER—ACOUSTICS IN PUBLIC GALLERIES—STATEMENT BY SPEAKER

The Speaker made a statement in response to a question asked of him on 18 October 1995 concerning the acoustics in the public galleries and indicated that upgrading would be given priority in respect of the 1996-97 financial year.

**11 SUSPENSION OF STANDING AND SESSIONAL ORDERS—GRIEVANCE DEBATE**

Mr Beazley (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent order of the day No. 1, government business, Grievance debate, when called on, continuing until 6.15 p.m.

Question—put and passed.

**12 PETITIONS**

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Bevis, from 303 petitioners, praying that certain action be taken to support the banning of landmines and anti-personnel mines.

Mr Braithwaite, from 288 petitioners, praying that extension of the 1980 UN Weapons Convention be supported and ratification by all nations be urged.

Mr Cleary, from 476 electors of the Division of Wills, praying that proposals to close Department of Social Security offices in Coburg and Brunswick, Vic., be rejected.

Mr Cobb, from 1293 residents of Broken Hill, NSW, praying that the Broken Hill and District Hearing Resource Centre receive ongoing funding.

Mr Ferguson, from 592 residents of New South Wales, praying that the Adult Migrant English Service in Auburn, NSW, continue to be provided with at least the current level of funding.

Mr Fischer, from 39 petitioners, praying that the exclusiveness of marriage as being between one male and one female be preserved and that the Marriage Act be amended to prohibit certain marriages.

Ms Henzell, from 100 petitioners, praying that the national flag not be changed, replaced or diminished without being approved by a referendum.

Mr Langmore, from 1310 students of the University of Canberra, praying that students of the University of Canberra be provided with acceptable education and examination conditions.

Mr Mack, from 56 petitioners, praying that certain measures be taken that would prevent members of parliament, retired members and top bureaucrats from plundering the public purse.

Mr Pyne, from 256 residents of South Australia, praying that certain action be taken regarding Chinese nuclear testing and that a motion condemning these tests be conveyed to the Chinese Government.

Mr Pyne, from 144 residents of South Australia, praying that certain action be taken to involve the UN, European Parliament and French nationals in the Pacific region in opposition to nuclear testing at Mururoa Atoll.

Mr Reith, from 1606 members of the Australian Manufacturing Workers Union, Vehicle Division, praying that legislation be introduced that allows for the dissolution of union amalgamations.

Mr S. F. Smith, from 7 residents of Perth, praying that diplomatic action be initiated to reverse the French Government's decision to resume nuclear testing in the South Pacific.

Mr Vaile, from 31 petitioners, praying that the proposed restriction of child care assistance if one parent is outside the workforce be opposed.

Petitions received.

**13 GRIEVANCE DEBATE**

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

*Paper:* Mr Cameron, by leave, presented the following paper:

Crime sux! Change the roolz: Family conferencing in Australia—Report, October 1995.

Debate continued.

It being 6.15 p.m., the debate was interrupted in accordance with the resolution agreed to this day.

Question—That grievances be noted—put and passed.

**14 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the Health and Other Services (Compensation) Care Charges Bill 1994 and acquainting the House that the Senate has agreed to the Bill as amended by the House at the request of the Senate—Message No. 560, dated 19 October 1995.

**15 MESSAGE FROM THE SENATE—PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1995**

The following message from the Senate was reported:

Message No. 561

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend various Acts administered by the Department of Primary Industries and Energy, 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, 19 October 1995

Ordered—That the amendments be considered forthwith.

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

No. 1—Clause 2, page 2, lines 1 and 2, omit the clause, substitute the following clause:

**Commencement**

“2.(1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

“(2) Part 3 of Schedule 3 commences, or is taken to have commenced, on 1 January 1996.

“(3) Items 9 to 12 (inclusive) of Schedule 4 are taken to have commenced on 1 December 1985.”.

No. 2—Schedule 3, page 6, at end of Schedule add the following Part:

**“PART 3—FUNCTIONS OF THE ORGANISATION**

**1. After paragraph 6(1)(e):**

Insert:

‘(ea) to develop or implement, or to arrange for the development or implementation of, programs to maintain and improve the quality of Australian wool, being:

- (i) monitoring programs in relation to chemical residues in wool; or
- (ii) education programs in relation to chemical residues in wool; and’.

**2. Part 11:**

Repeal the Part.”.

No. 3—After Schedule 3, page 6, insert the following Schedules:

**“SCHEDULE 4**

Section 3

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

**PART 1—PROTECTION OF NATIVE TITLE RIGHTS AND INTERESTS**

**1. Paragraphs 124(a) and (b):**

Add at the end ‘or’.

**2. After paragraph 124(d):**

Insert:

‘or (e) the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*);’.

**PART 2—WORK PRACTICES AND OCCUPATIONAL HEALTH AND SAFETY**

**3. Subsection 5(1):**

Insert:

‘*operation* means an activity to which Part III applies.’.

**4. Division 6B of Part III (Heading):**

Omit ‘*Occupational*’.

**5. Subsection 140H(1):**

After ‘subsection (2)’ insert ‘and regulations made for the purposes of subsection 140I(1)’.

**6. Subsection 140H(2):**

Omit ‘to the extent that’, substitute ‘if’.

**7. Subsection 140H(2):**

After ‘provides’ insert ‘, to any extent,’.

**8. After section 140H:**

Insert:

**Regulations relating to health and safety**

'140I.(1) The regulations may make provision in relation to the health and safety of persons at or near an operations site who are under the control of a person who is carrying on an operation.

'(2) Regulations for the purposes of subsection (1) may:

- (a) require a person who is carrying on an operation to establish and maintain a system of management to secure the health and safety of persons referred to in that subsection; and
- (b) specify requirements with which the system must comply.

This subsection does not limit the generality of subsection (1).

Note: Under section 9 or 11, the application in an adjacent area of State or Territory laws is subject to regulations made under this Act.'

**PART 3—GUARANTEED WORK PROGRAM BIDDING SYSTEM FOR EXPLORATION PERMITS****9. Subsection 33(2):**

Omit the subsection, substitute:

'(2) Subject to subsection (2A), the conditions referred to in subsection (1) may include all or any of the following:

- (a) conditions with respect to work to be carried out by the permittee in or in relation to the permit area during the term of the permit, including conditions that require the permittee to carry out the work during a period or periods consisting of one or more years; or
- (b) conditions with respect to amounts to be expended by the permittee in the carrying out of such work; or
- (c) conditions requiring the permittee to comply with directions given in accordance with the permit concerning the matters referred to in paragraphs (a) and (b).'

**10. Before subsection 96(1):**

Insert:

'(1AA) This section does not apply to permits granted under section 22 or such permits renewed under section 32.'

**11. Subsection 104(1):**

Omit ', at any time,'.

**12. After subsection 104(3):**

Insert:

'(3A) If:

- (a) an application for consent to surrender an instrument relates to a permit granted under section 22 or such a permit renewed under section 32; and
- (b) a condition of the permit requires the registered holder to carry out specified work during a period specified in the permit; and
- (c) the application is made during such a period;

the registered holder of the permit has not complied with the condition, for the purposes of this section, unless the registered holder has completed the work specified for the period during which the application was made.

*Example*

A permit granted under section 22 has a six year term and is subject to:

- (a) a condition that requires the registered holder, during each year of the term of the permit, to carry out the work specified in the permit for the year concerned; and
- (b) a condition that requires the registered holder to carry out the work specified for the first 3 years of the term of the permit before the end of the third year.

If the registered holder of the permit applies for consent to surrender the permit during the second year of the term of the permit and the holder has completed the specified work for the first and second years of the permit, but has not completed the work specified for the third year, the holder has not complied with the condition mentioned in paragraph (b).

If the registered holder of the permit applies for consent to surrender the permit during the fourth year of the term of the permit and the registered holder has not completed the work specified for the fourth year, the holder has not complied with the condition mentioned in paragraph (a).’

### 13. Permits granted before commencement

(1) If a permit that was granted under section 22 of the *Petroleum (Submerged Lands) Act 1967* or was renewed under section 32 of that Act (having been originally granted under section 22 of that Act):

- (a) was so granted or renewed less than 3 years prior to commencement; and
- (b) is in force on commencement;

the permit is taken to include the following condition:

‘1A. During the first 3 year period of the term of the permit the permittee must complete the work specified in the minimum work requirements for the years in that period.’

(2) All permits granted under section 22 of the *Petroleum (Submerged Lands) Act 1967* during the past period and all such permits renewed under section 32 of that Act during the past period (other than permits referred to in subsection (1)) are taken to have included, for the purpose only of determining whether they were validly granted or renewed, the following condition:

‘1A. During the first 3 year period of the term of the permit the permittee must complete the work specified in the minimum work requirements for the years in that period.’

(3) In this item:

**commencement** means the beginning of the day on which this Act receives the Royal Assent.

### 14. Validity of past surrenders under section 104

Items 9 to 12 (inclusive) do not affect the validity of a consent given during the past period under section 104 of the *Petroleum (Submerged Lands) Act 1967*.

### 15. Interpretation

In this Part:

**past period** means the period commencing on 1 December 1985 and ending on the commencement of this item.

**SCHEDULE 5**

Section 3

**EXPORT CONTROL ACT 1982****1. Subparagraphs 7(3)(b)(i) and (ii):**

Add at the end 'and'.

**2. After subparagraph 7(3)(b)(ii):**

Insert:

'(iia) the imposition of fees in connection with monitoring compliance with conditions of licences that are designated as hardwood woodchip export licences; and'."

On the motion of Mr Beddall (Minister for Resources), the amendments were agreed to, after debate.

**16 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENT BY MEMBER**

Mr Hollis (Chairman) presented the following papers:

Public Works—Parliamentary Standing Committee—Reports—

Construction of new chancery, Geneva (20th report of 1995).

Refurbishment of Australian Embassy, Washington (21st report of 1995).

Severally ordered to be printed.

Mr Hollis, by leave, made a statement in connection with the reports.

**17 POSTPONEMENT OF ORDERS OF THE DAY**

Ordered—That orders of the day Nos. 2 to 18, government business, be postponed until a later hour this day.

**18 EMPLOYMENT SERVICES AMENDMENT BILL 1995**

The order of the day having been read for the second reading—Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training) moved—That the Bill be now read a second time.

Debate ensued.

**19 ADJOURNMENT**

It being approximately 7.30 p.m.—The question was proposed—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 12.30 p.m.

**PAPERS**

The following papers were deemed to have been presented on 23 October 1995:

Aged or Disabled Persons Care Act—Determination No. ADPCA 10F 3/1995.

Air Force Act—Regulations—Statutory Rules 1995 No. 273.

- Air Navigation Act—Regulations—Statutory Rules 1995 No. 277.
- Air Services Act—Regulations—Statutory Rules 1995 No. 278.
- Aircraft Noise Levy Act and Aircraft Noise Levy Collection Act—Regulations—Statutory Rules 1995 No. 279.
- Archives Act—Regulations—Statutory Rules 1995 No. 260.
- Australian Citizenship Act—Regulations—Statutory Rules 1995 No. 267.
- Australian War Memorial Act—Regulations—Statutory Rules 1995 No. 271.
- Bounty (Computers) Act—Declarations 1995 Nos. 1, 4.
- Bounty (Machine Tools and Robots) Act—Declarations 1995 Nos. 2, 3.
- Child Support (Assessment) Act—Regulations—Statutory Rules 1995 No. 292.
- Christmas Island Act—Ordinances 1995 Nos. 4, 5.
- Civil Aviation Act—Civil Aviation Regulations—  
Civil Aviation Orders—Parts—  
105—Amendments 1995 26(2), 29 September, 10, 13(2), 17(2), 18(3) October.  
106—Amendments 1995 10(6) October.  
107—Amendments 1995 29 September, 10, 17(2) October.
- Exemptions 1995 Nos. 79/FRS/81/1995, 84/FRS/96/1995, 85/FRS/97/1995.
- Cocos (Keeling) Islands Act—Ordinance 1995 No. 3.
- Commonwealth Inscribed Stock Act—Regulations—Statutory Rules 1995 No. 291.
- Defence Act—Regulations—Statutory Rules 1995 Nos. 261, 262, 274.
- Fisheries Management Act—Regulations—Statutory Rules 1995 No. 285.
- Health Insurance Act—Regulations—Statutory Rules 1995 Nos. 281, 287.
- Health Insurance Commission Act—Regulations—Statutory Rules 1995 No. 286.
- Immigration (Education) Charge Act—Regulations—Statutory Rules 1995 No. 265.
- Imported Food Control Act—Regulations—Statutory Rules 1995 No. 269.
- Industrial Relations Act—Rules—Statutory Rules 1995 No. 284.
- Migration Act—Regulations—Statutory Rules 1995 No. 268.
- Migration Act and Migration Reform Act—Regulations—Statutory Rules 1995 No. 266.
- Military Superannuation and Benefits Act—Declaration—Statutory Rules 1995 No. 280.
- National Health Act—  
Declarations 1995 Nos. PB 13, PB 14, PB 15.  
Regulations—Statutory Rules 1995 Nos. 288, 289.
- Naval Defence Act—Regulations—Statutory Rules 1995 No. 272.
- Navigation Act—Regulations—Statutory Rules 1995 No. 270.
- Plant Breeder's Rights Act—Regulations—Statutory Rules 1995 No. 290.
- Private Health Insurance Complaints Levy Act—Regulations—Statutory Rules 1995 No. 264.

**Public Service Act—**

Determinations 1995 Nos. 139, 140, 141.

Regulations—Statutory Rules 1995 No. 276.

States Grants (Primary and Secondary Education Assistance) Act—  
Regulations—Statutory Rules 1995 No. 263.

**Superannuation Act 1976—**

Declaration—Statutory Rules 1995 No. 282.

Regulations—Statutory Rules 1995 No. 275.

*Superannuation Act 1990*—Declaration—Statutory Rules 1995 No. 283.

Superannuation Industry (Supervision) Act—Regulations—Statutory Rules  
1995 No. 293.

**Veterans' Entitlements Act—**

Instruments 1995 Nos. 360, 361, 362, 363, 364, 365.

Regulations—Statutory Rules 1995 No. 294.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Braithwaite,  
Mr Jones, Mr Jull\*, Mr Katter and Mr Thomson.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives