

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 178

TUESDAY, 21 NOVEMBER 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—ABORIGINAL EDUCATION
(SUPPLEMENTARY ASSISTANCE) AMENDMENT BILL 1995

The following message from the Senate was reported:

Message No. 574

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Aboriginal Education (Supplementary Assistance) Act 1989'*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN
President

The Senate

Canberra, 20 November 1995

Ordered—That the amendments be considered at the next sitting.

3 MESSAGE FROM THE SENATE—ANL SALE BILL 1995

The following message from the Senate was reported:

Message No. 573

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to the sale of ANL Limited, 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, 16 November 1995

Ordered—That the amendment be considered forthwith.

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Clause 67, page 38, after subclause (2) insert the following subclause:

“(2A) The Minister may not enter into arrangements under subsection (2) that expose, or could expose, the Commonwealth to a liability totalling more than \$1,000,000.”.

On the motion of Dr Theophanous (Parliamentary Secretary to the Prime Minister), the amendment was agreed to, after debate.

4 MESSAGE FROM THE SENATE—FAMILY LAW REFORM BILL 1994

The following message from the Senate was reported:

Message No. 570

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Family Law Act 1975’, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN
President

The Senate

Canberra, 14 November 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 4, page 2, after paragraph (c) insert the following paragraph:

“(ca) by omitting ‘New Zealand or any other’ from the definition of ‘prescribed overseas jurisdiction’ in subsection (1) and substituting ‘any’;”.

No. 2—Clause 4, page 3, paragraph (g), proposed definition of “**has**”, lines 30 and 31, omit “special purpose order”, substitute “specific issues order”.

No. 3—Clause 4, page 3, paragraph (g), proposed definition of “**made in favour**”, line 33, omit “special purpose order”, substitute “specific issues order”.

No. 4—Clause 4, page 3, paragraph (g), proposed definition of “**special purpose order**”, lines 37 and 38, omit the definition, substitute the following definition:

“ ‘**specific issues order**’ has the meaning given by subsection 64B(6);”.

No. 5—Clause 7, page 8, proposed paragraph 14(a), lines 4 to 7, omit the paragraph, substitute the following paragraph:

“(a) to encourage people to use primary dispute resolution mechanisms (such as counselling, mediation, arbitration or other means of conciliation or reconciliation) to resolve matters in which a court order might otherwise be made under this Act, provided the mechanisms are appropriate in the circumstances and proper procedures are followed; and”.

No. 6—Clause 23, page 14, lines 10 to 17, omit the clause.

No. 7—Clause 26, page 15, at end of proposed Division 6 add the following section:

Advertising in Family Court registries of counselling, mediation and arbitration services

“ ‘19Q.(1) Subject to the regulations (if any), a family and child counsellor, or an approved counselling organisation, may advertise, at a Registry of the Family Court, the counselling services the counsellor or organisation provides.

‘(2) Subject to the regulations (if any), a family and child mediator, or an approved mediation organisation, may advertise, at a Registry of the Family Court, the mediation services the mediator or organisation provides.

‘(3) Subject to the regulations (if any), an approved arbitrator may advertise, at a Registry of the Family Court, the arbitration services the arbitrator provides.’”.

No. 8—Clause 27, page 15, paragraph (b), proposed paragraph 26B(1A)(c), line 31, omit “special purpose order”, substitute “specific issues order”.

No. 9—Clause 28, page 16, paragraph (c), proposed paragraph 37A(2A)(c), line 12, omit “special purpose order”, substitute “specific issues order”.

No. 10—After clause 28, page 16, insert the following clause:

Principles to be applied by courts

“28A. Section 43 of the Principal Act is amended by omitting ‘and’ at the end of paragraph (c) and inserting the following paragraph:

‘(ca) the need to ensure safety from family violence; and’.”.

No. 11—Clause 31, page 17, proposed subsection 60B(2), line 23, omit all words before paragraph (a), substitute the following:

“ ‘(2) The principles underlying these objects are that, except when it is or would be contrary to a child’s best interests:”.

No. 12—Clause 31, page 18, proposed section 60C, Outline of Part, item 6, second dot point, omit “special purpose orders”, substitute “specific issues orders”.

No. 13—Clause 31, page 21, proposed subsection 60D(1), definition of “**has**”, lines 24 and 25, omit “special purpose order”, substitute “specific issues order”.

No. 14—Clause 31, page 21, proposed subsection 60D(1), definition of “**made in favour**”, lines 28 and 29, omit “special purpose order”, substitute “specific issues order”.

No. 15—Clause 31, page 22, proposed subsection 60D(1), definition of “**special purpose order**”, line 37, omit the definition, substitute the following definition:

“ ‘**specific issues order**’ has the meaning given by subsection 64B(6);”.

No. 16—Clause 31, page 23, proposed subparagraph 60D(2)(c)(i), line 12, omit “special purpose order”, substitute “specific issues order”.

No. 17—Clause 31, page 25, proposed section 60G, lines 1 to 5, omit the section, substitute the following section:

Family Court may grant leave for adoption proceedings by prescribed adopting parent

“ ‘60G.(1) Subject to subsection (2), the Family Court, the Supreme Court of the Northern Territory or the Family Court of a State may grant leave for proceedings to be commenced for the adoption of a child by a prescribed adopting parent.

‘(2) In proceedings for leave under subsection (1), the court must consider whether granting leave would be in the child’s best interests, having regard to the effect of paragraph 60F(4)(a) and of sections 61E and 65HA.

Note: Division 10 deals with how a court determines a child’s best interests.”.

No. 18—Clause 31, page 26, at end of proposed Division 2 add the following section:

Effect of adoption on parental responsibility

“ ‘61E.(1) This section applies if:

- (a) a child is adopted; and
- (b) immediately before the adoption, a person had parental responsibility for the child, whether in full or to a limited extent and whether because of section 61C or because of a parenting order.

‘(2) The person’s parental responsibility for the child ends on the adoption of the child, unless the adoption is by a prescribed adopting parent and leave was not granted under section 60G for the adoption proceedings to be commenced.”.

No. 19—Clause 31, page 27, proposed subsection 62C(2), line 26, after “welfare officer” insert “to assess whether counselling is appropriate in all the circumstances, and if it is”.

No. 20—Clause 31, page 30, after proposed section 63C insert the following section:

Parenting plan may not be varied, but may be revoked, by further agreement

“ ‘63CA.(1) An agreement, in whatever form and however expressed, is not effective to vary a parenting plan for the purposes of this Act. An agreement purporting to vary a parenting plan cannot be registered under section 63D.

‘(2) Subject to subsection (3), a parenting plan may be revoked by agreement in writing between the parties to the plan.

‘(3) An agreement revoking a registered parenting plan:

- (a) may, subject to the Rules of Court, be registered under section 63D as if it were a parenting plan; and
- (b) does not have effect to revoke the plan until it is so registered.”.

No. 21—Clause 31, page 30, proposed section 63D, lines 31 to 35, omit the section, substitute the following section:

Registration in a court

“ ‘63D.(1) Subject to this section, a parenting plan may be registered in a court having jurisdiction under this Part.

‘(2) To apply for registration of a parenting plan:

- (a) an application for registration of the plan must be lodged in accordance with the Rules of Court; and
- (b) the application must be accompanied by a copy of the plan, the information required by the Rules of Court, and:
 - (i) a statement, in relation to each party, that is to the effect that the party has been provided with independent legal advice as to the meaning and effect of the plan and that is signed by the practitioner who provided that advice; or

- (ii) a statement to the effect that the plan was developed after consultation with a family and child counsellor (as defined in section 4) and that is signed by the counsellor.

‘(3) The court may register the plan if it considers it appropriate to do so having regard to the best interests of the child to which the plan relates. In determining whether it is appropriate to register the plan, the court:

- (a) must have regard to the information accompanying the application for registration; and
- (b) may, but is not required to, have regard to all or any of the matters set out in subsection 68F(2).

‘(4) The Rules of Court:

- (a) must prescribe what information is to accompany an application for registration of a parenting plan; and
- (b) may prescribe other matters relating to the procedures for registration.’.

No. 22—Clause 31, page 31, proposed paragraph 63E(3)(c), line 10, omit “special purpose order”, substitute “specific issues order”.

No. 23—Clause 31, page 31, proposed subsection 63E(3), note, paragraph (a), line 14, omit “special purpose orders”, substitute “specific issues orders”.

No. 24—Clause 31, page 31, proposed subsection 63E(3), note, paragraph (c), lines 17 and 18, omit the paragraph, substitute the following paragraphs:

- “(c) subsection 65D(2) (providing for discharge, variation, suspension and revival of parenting orders other than child maintenance orders); and
- (d) other provisions of this Act (including subsections 64B(7) and (8)) that refer to parenting orders, or to residence orders, contact orders or specific issues orders.”.

No. 25—Clause 31, page 31, after proposed subsection 63E(3) insert the following subsection:

“ ‘(3A) If provisions of the plan have effect under subsection (3) as a court order, a person who is a party to the plan is taken (for example, for the purposes of section 65ZB) to be a party to the proceedings in which the order was made.”.

No. 26—Clause 31, page 31, proposed subsection 63F(2), note, paragraph (b), line 42, omit the paragraph, substitute the following paragraphs:

- “(b) section 66S (providing for discharge, variation, suspension and revival of child maintenance orders); and
- (c) other provisions of this Act that refer to parenting orders, or to child maintenance orders.”.

No. 27—Clause 31, page 32, proposed subsection 63G(1), line 25, omit “, and only if,”.

No. 28—Clause 31, page 32, proposed subsection 63G(2), line 31, after “under” insert “subsection (1), to the extent that they are proceedings on the ground mentioned in”.

No. 29—Clause 31, page 32, at end of proposed section 63G add the following subsections:

“ ‘(3) Other provisions of this Act under which provisions of the parenting plan may be set aside or otherwise affected are:

- (a) subsection 63E(2)—under that subsection a court may vary child welfare provisions in the plan; and

- (b) subsection 65D(2)—under that subsection a court may make a parenting order that discharges, varies, suspends or revives provisions of the plan that have effect as if they were a parenting order (other than a child maintenance order); and
- (c) section 66S—under that section a court may discharge, vary, suspend or revive provisions of the plan that have effect as if they were a child maintenance order.

‘(4) Except as permitted by subsection (1) or by a provision mentioned in subsection (3), a court must not set aside, discharge, vary, suspend or revive the whole or a part of the parenting plan.’.

No. 30—Clause 31, page 33, proposed subsection 64B(6), lines 15 and 16, omit “**special purpose order**. A special purpose order”, substitute “**specific issues order**. A specific issues order”.

No. 31—Clause 31, page 33, proposed paragraph 64B(7)(c), line 26, omit “special purpose order”, substitute “specific issues order”.

No. 32—Clause 31, page 33, proposed paragraph 64B(8)(c), lines 35 and 36, omit “**special purpose order** in relation to a child if a special purpose order”, substitute “**specific issues order** in relation to a child if a specific issues order”.

No. 33—Clause 31, page 34, proposed paragraph 65A(b), line 8, omit “special purpose orders”, substitute “specific issues orders”.

No. 34—Clause 31, page 34, at end of proposed section 65D add the following subsection:

“ ‘(2) Without limiting the generality of subsection (1) and subject to this Division, a court may make a parenting order that discharges, varies, suspends or revives some or all of an earlier parenting order.’.

No. 35—Clause 31, page 34, proposed section 65E, line 30, omit “(other than an order by consent)”.

No. 36—Clause 31, page 35, proposed paragraph 65F(2)(b), line 6, omit “a”, substitute “the”.

No. 37—Clause 31, page 35, proposed paragraph 65F(2)(b), line 7, after “circumstance” insert “(such as family violence)”.

No. 38—Clause 31, page 35, proposed subparagraph 65G(1)(a)(ii), line 21, omit “special purpose order”, substitute “specific issues order”.

No. 39—Clause 31, page 36, after proposed section 65H insert the following section:

Effect of adoption on parenting order

“ ‘65HA.(1) This section applies if:

- (a) a child is adopted; and
- (b) immediately before the adoption, a parenting order was in force in relation to the child.

‘(2) The parenting order stops being in force on the adoption of the child, unless the adoption is by a prescribed adopting parent and leave was not granted under section 60G for the adoption proceedings to be commenced.’.

No. 40—Clause 31, page 37, proposed subsection 65K(2), line 6, omit “(other than an order by consent)”.

No. 41—Clause 31, page 37, proposed Subdivision C, heading, line 10, omit “**special purpose orders**”, substitute “**specific issues orders**”.

No. 42—Clause 31, page 37, proposed subsection 65T(1), line 29, omit “special purpose order”, substitute “specific issues order”.

No. 43—Clause 31, page 41, proposed subsection 65ZA(1), definition of “**care order**”, line 3, omit “special purpose order”, substitute “specific issues order”.

No. 44—Clause 31, page 52, proposed subsection 66S(1), lines 5 to 12, omit the subsection, substitute the following subsection:

“ 66S.(1) This section applies if:

- (a) there is in force an order (the “**first order**”), for the maintenance of a child (whether or not made under this Act and whether made before or after the commencement of this section):
 - (i) made by a court; or
 - (ii) registered in a court under the Rules of Court; and
- (b) a person (being someone who could apply for a child maintenance order in relation to the child) applies to the court for an order under this section in relation to the first order.”

No. 45—Clause 31, page 52, after proposed subparagraph 66S(3)(a)(ii) insert the following subparagraph:

“(iia) the circumstances of the person entitled to receive payments under the order have changed so as to justify the variation; or”.

No. 46—Clause 31, page 58, proposed paragraph 67K(c), line 24, omit “special purpose order”, substitute “specific issues order”.

No. 47—Clause 31, page 58, proposed section 67L, line 32, omit “(other than an order by consent)”.

No. 48—Clause 31, page 59, at end of proposed subsection 67M(4), line 8, add “or such longer period as the court considers appropriate”.

No. 49—Clause 31, page 60, proposed subsection 67N(8), line 14, after “the child concerned” insert “, to a parent of the child, or to another person with whom the child lives,”.

No. 50—Clause 31, page 60, at end of proposed subsection 67N(9), line 19, add “unless specifically so ordered by the court”.

No. 51—Clause 31, page 60, proposed paragraph 67P(1)(b), lines 31 and 32, omit the paragraph, substitute the following paragraph:

“(b) an officer of the court, or of another court, for the purpose of that officer’s responsibilities or duties;”.

No. 52—Clause 31, page 60, proposed subsection 67P(1), penalty, line 41, omit the penalty, substitute the following penalty and note:

“Penalty: 120 penalty units.

Note: For the value of a penalty unit, see subsection 4AA(1) of the *Crimes Act 1914*.”.

No. 53—Clause 31, page 61, proposed subparagraph 67Q(a)(iii), line 10, omit “special purpose order”, substitute “specific issues order”.

No. 54—Clause 31, page 61, proposed subparagraph 67Q(d)(iii), line 25, omit “special purpose order”, substitute “specific issues order”.

No. 55—Clause 31, page 62, proposed paragraph 67T(c), line 28, omit “special purpose order”, substitute “specific issues order”.

No. 56—Clause 31, page 63, proposed section 67V, line 4, omit “(other than an order by consent)”.

No. 57—Clause 31, page 66, proposed subsection 67ZC(2), lines 1 and 2, omit “(other than an order by consent)”.

No. 58—Clause 31, page 66, proposed subparagraph 68B(1)(b)(iii), line 25, omit “special purpose order”, substitute “specific issues order”.

No. 59—Clause 31, page 67, proposed paragraph 68C(1)(b), line 10, after “protected person” insert “or by harassing or molesting that person”.

No. 60—Clause 31, page 67, after proposed subsection 68C(1) insert the following subsection:

“ ‘(1A) For the purposes of subsection (1), an injunction granted under section 68B is an injunction for the personal protection of a person if, and only if, it is expressed to be for the personal protection of the person.”.

No. 61—Clause 31, page 67, proposed subsection 68E(1), line 30, omit “Division”, substitute “Subdivision”.

No. 62—Clause 31, page 67, proposed subsection 68E(2), lines 32 and 33, omit the subsection, substitute the following subsection:

“ ‘(2) This Subdivision also applies to proceedings, in relation to a child, to which subsection 60G(2), 63E(2) or 63E(5) or section 68T applies.”.

No. 63—Clause 31, page 67, proposed subsection 68F(1), line 35, omit “In”, substitute “Subject to subsection (3), in”.

No. 64—Clause 31, page 68, after proposed paragraph 68F(2)(c) insert the following paragraph:

“(ca) the practical difficulty and expense of a child having contact with a parent and whether that difficulty or expense will substantially affect the child’s right to maintain personal relations and direct contact with both parents on a regular basis;”.

No. 65—Clause 31, page 68, proposed paragraph 68F(2)(e), line 14, after “background” insert “(including any need to maintain a connection with the lifestyle, culture and traditions of Aboriginal peoples or Torres Strait Islanders)”.

No. 66—Clause 31, page 68, proposed subparagraph 68F(2)(f)(ii), lines 20 and 21, omit the subparagraph, substitute the following subparagraph:

“(ii) being directly or indirectly exposed to abuse, ill-treatment, violence or other behaviour that is directed towards, or may affect, another person;”.

No. 67—Clause 31, page 68, at end of proposed section 68F add the following subsections:

“ ‘(3) If the court is considering whether to make an order with the consent of all the parties to the proceedings, the court may, but is not required to, have regard to all or any of the matters set out in subsection (2).

‘(4) In paragraph (2)(e):

“**Aboriginal peoples**” means the peoples of the Aboriginal race of Australia;
 “**Torres Strait Islanders**” means the descendants of the indigenous inhabitants of the Torres Strait Islands.”.

No. 68—Clause 31, page 69, proposed section 68K, lines 14 to 23, omit the section, substitute the following section:

Court to consider risk of family violence

“ ‘68K.(1) In considering what order to make, the court must, to the extent that it is possible to do so consistently with the child’s best interests being the paramount consideration, ensure that the order:

- (a) is consistent with any family violence order; and
- (b) does not expose a person to an unacceptable risk of family violence.

‘(2) For the purposes of paragraph (1)(b) the court may include in the order any safeguards that it considers necessary for the safety of those affected by the order.”

No. 69—Clause 31, page 70, proposed paragraph 68M(3)(c), line 14, omit “special purpose order”, substitute “specific issues order”.

No. 70—Clause 31, page 70, proposed section 68N, note, paragraph (b), line 23, after “paragraphs” insert “65F(2)(b) and”.

No. 71—Clause 31, page 70, proposed section 68P, definition of “**Division 11 contact order**”, subparagraph (b)(i), line 32, omit “special purpose order”, substitute “specific issues order”.

No. 72—Clause 31, page 71, proposed section 68P, definition of “**section 68R contact order**”, subparagraph (b)(i), line 6, omit “special purpose order”, substitute “specific issues order”.

No. 73—Clause 31, page 75, after proposed paragraph 69C(2)(b) insert the following paragraph:

“(ba) a grandparent of the child; or”.

No. 74—Clause 31, page 75, proposed subsection 69D(1), line 30, omit “in the authority’s or person’s discretion, proceedings for a child maintenance order on behalf of the child”, substitute “on behalf of a child, in the authority’s or person’s discretion, proceedings with respect to the maintenance of the child”.

No. 75—Clause 31, pages 79 and 80, proposed Subdivision D, line 1 (page 79) to line 19 (page 80), omit the Subdivision, substitute the following Subdivision:

“ *Subdivision D—Presumptions of parentage*

Presumptions of parentage arising from marriage

‘69P.(1) If a child is born to a woman while she is married, the child is presumed to be a child of the woman and her husband.

‘(2) If:

- (a) at a particular time:
 - (i) a marriage to which a woman is a party is ended by death; or
 - (ii) a purported marriage to which a woman is a party is annulled; and
 - (b) a child is born to the woman within 44 weeks after that time;
- the child is presumed to be a child of the woman and the husband or purported husband.

‘(3) If:

- (a) the parties to a marriage separated at any time; and
- (b) after the separation, they resumed cohabitation on one occasion; and
- (c) within 3 months after the resumption of cohabitation, they separated again and lived separately and apart; and

- (d) a child is born to the woman within 44 weeks after the end of the cohabitation, but after the dissolution of the marriage;

the child is presumed to be a child of the woman and the husband.

Presumption of paternity arising from cohabitation

‘69Q. If:

- (a) a child is born to a woman; and
 (b) at any time during the period beginning not earlier than 44 weeks and ending not less than 20 weeks before the birth, the woman cohabited with a man to whom she was not married;

the child is presumed to be a child of the man.

Presumption of parentage arising from registration of birth

‘69R. If a person’s name is entered as a parent of a child in a register of births or parentage information kept under a law of the Commonwealth or of a State, Territory or prescribed overseas jurisdiction, the person is presumed to be a parent of the child.

Presumptions of parentage arising from findings of courts

‘69S.(1) If:

- (a) during the lifetime of a particular person, a prescribed court has:
 (i) found expressly that the person is a parent of a particular child; or
 (ii) made a finding that it could not have made unless the person was a parent of a particular child; and
 (b) the finding has not been altered, set aside or reversed;

the person is conclusively presumed to be a parent of the child.

‘(2) If:

- (a) after the death of a particular person, a prescribed court has:
 (i) found expressly that the person was a parent of a particular child; or
 (ii) made a finding that it could not have made unless the person was a parent of a particular child; and
 (b) the finding has not been altered, set aside or reversed;

the person is presumed to have been a parent of the child.

‘(3) In this section:

“**prescribed court**” means a federal court, a court of a State or Territory or a court of a prescribed overseas jurisdiction.

Presumption of paternity arising from acknowledgments

‘69T. If:

- (a) under the law of the Commonwealth or of a State, Territory or prescribed overseas jurisdiction, a man has executed an instrument acknowledging that he is the father of a specified child; and
 (b) the instrument has not been annulled or otherwise set aside;

the man is presumed to be the father of the child.

Rebuttal of presumptions etc.

‘69U.(1) A presumption arising under this Subdivision is rebuttable by proof on a balance of probabilities.

(2) Where:

- (a) 2 or more presumptions arising under this Subdivision are relevant in any proceeding; and
- (b) those presumptions, or some of those presumptions, conflict with each other and are not rebutted in the proceedings;

the presumption that appears to the court to be the more or most likely to be correct prevails.

(3) This section does not apply to a presumption arising under subsection 69S(1).”

No. 76—Clause 31, page 82, proposed paragraph 69ZA(2)(c), line 5, omit “special purpose order”, substitute “specific issues order”.

No. 77—Clause 31, page 82, proposed paragraph 69ZB(1)(c), line 17, omit “special purpose order”, substitute “specific issues order”.

No. 78—Clause 31, page 83, at end of proposed Subdivision E add the following section:

Parentage testing for purposes of international maintenance agreements

“ 69ZDA. For the purpose of the carrying out of any of Australia’s obligations under:

- (a) an arrangement with a reciprocating jurisdiction, or with a jurisdiction with restricted reciprocity, within the meaning of section 110; or
- (b) the Convention referred to in section 111;

the regulations may make provision:

- (c) conferring jurisdiction on a court to make an order requiring a parentage testing procedure to be carried out at the request of:
 - (i) a court or authority in a foreign country; or
 - (ii) the Secretary to the Department, or a person authorised by the Secretary; or
- (d) for the carrying out of a parentage testing procedure, and the preparation of a report in relation to the information obtained as a result of the carrying out of the procedure; or
- (e) for the admissibility in legal proceedings of a report, in relation to the information obtained as a result of the carrying out of a parentage testing procedure, received from an authority in a foreign country;

whether or not there is any express provision in the relevant arrangement or in the Convention authorising the carrying out of a parentage testing procedure.”

No. 79—Clause 31, page 87, proposed section 70F, definition of “**care order**”, line 8, omit “special purpose order”, substitute “specific issues order”.

No. 80—Clause 31, page 89, proposed paragraph 70M(1)(a), line 35, omit “special purpose order”, substitute “specific issues order”.

No. 81—Clause 31, page 90, proposed section 70N, line 16, omit “special purpose order”, substitute “specific issues order”.

No. 82—Clause 31, pages 90 and 91, proposed section 70Q, line 23 (page 90) to line 2 (page 91), omit the section.

No. 83—Clause 32, page 92, proposed paragraph 79A(1AA)(c), line 2, omit “special purpose order”, substitute “specific issues order”.

No. 84—Clause 35, page 92, proposed subparagraph 91(1)(b)(i), line 16, omit “special purpose order”, substitute “specific issues order”.

No. 85—Clause 37, page 92, proposed paragraph 92A(2)(bb), line 27, omit “special purpose order”, substitute “specific issues order”.

No. 86—Clause 42, page 93, paragraph (b), proposed paragraph 111B(4)(c), line 35, omit “special purpose order”, substitute “specific issues order”.

No. 87—Clause 42, page 94, proposed subsection 111B(4), note, lines 3 and 4, omit “special purpose orders”, substitute “specific issues orders”.

No. 88—Clause 45, page 95, proposed paragraph 112AB(2)(c), line 6, omit “special purpose order”, substitute “specific issues order”.

No. 89—Clause 46, page 95, paragraph (b), proposed subsection 112AC(5), line 36, omit “special purpose order”, substitute “specific issues order”.

No. 90—Clause 47, page 96, before paragraph (a) insert the following paragraphs:

“(aa) by inserting in subsection (1) ‘other than a residence order, a contact order or a specific issues order,’ after ‘order under this Act,’;

(ab) by inserting after subsection (1) the following subsection:

‘(1A) If:

(a) a court with jurisdiction under this Act is satisfied that a person has contravened a residence order, a contact order or a specific issues order; and

(b) the person does not prove on the balance of probabilities that he or she had a reasonable excuse for contravening the order;

the court may, subject to subsection (5), by order, take any action specified in subsection (2) that the court thinks appropriate.’”.

No. 91—Schedule 2, page 101, paragraph 2(1)(b), omit “special purpose order”, substitute “specific issues order”.

No. 92—Schedule 2, page 101, paragraph 2(4)(b), omit “special purpose order”, substitute “specific issues order”.

No. 93—Schedule 2, page 103, after clause 6 insert the following clause:

Continued application of Division 7 of Part VII

“6A. Division 7 of Part VII of the old Act continues to have effect in relation to proceedings that were begun before the Part VII commencement as if the amendments of the old Act made by this Act had not been made.”.

No. 94—Schedule 2, page 103, subclause 7(1), omit “6”, substitute “6A”.

No. 95—Schedule 2, clause 7, Table, page 105, omit:

“

Section 66P	Section 69P
Section 66Q	Section 69Q
Section 66R	Section 69R
Section 66S	Section 69S
Section 66T	Section 69T
Subsection 66U(1)	Section 69V
Subsection 66U(2)	Section 69U

”

substitute:

“

Sections 66P to 66U	(dealt with in clause 6A)
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On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the amendments were agreed to, after debate.

5 SOCIAL SECURITY LEGISLATION AMENDMENT (CARER PENSION AND OTHER MEASURES) 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 Administrator: Message No. 337, dated 19 October 1995, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Clauses 1 to 3, by leave, taken together, and agreed to.

Schedule 1 agreed to.

Schedule 2—

Mr Ruddock moved the following amendment: Part 2, pages 21 and 22, omit paragraph 9.

Debate continued.

Amendment negatived.

On the motion of Mr Ruddock, the following amendment was made, after debate: Part 2, page 22, omit paragraph 10, substitute the following paragraph:

“**10. Section 21:**

Omit the section, substitute the following section:

Cessation of operation of Act

‘**21.** Parts 1 and 2 of this Act, unless sooner repealed, shall cease to be in force on and from 22 January 1999.’”

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security) moved the following amendment: Part 3, item 11, page 23, omit the item, substitute:

“11. Section 3 (definition of assistance agency):

Before paragraph (b) insert:

‘(a) the Department of Human Services and Health; or’.

Paper: Mrs Crosio presented a supplementary explanatory memorandum to the Bill.

Debate continued.

Amendment agreed to.

Schedule, as amended, agreed to.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mrs Crosio, by leave, the Bill was read a third time.

6 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL 1995

The order of the day having been read for the second reading—Mrs Crosio (Parliamentary Secretary to the Minister for Social Security) moved—That the Bill be now read a second time.

Mr Ruddock 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 House is of the opinion that the Government should be condemned for:

- (1) its cavalier treatment of the House by providing only 8 days between the introduction of the Bill and its second reading debate to enable consideration of the detailed provisions of complex legislation contained in the Bill;
- (2) its failure to draft the Bill to include detail as to the timing and regularity of valuation of financial investments under the extended deeming rules introduced in Schedule 1 of the Bill;
- (3) failing to advise Australians adequately that it estimates that the extended deeming rules will result in 207,000 pensioners suffering a decrease in their pension if they do not rearrange their assets to meet or exceed the deeming rates;
- (4) its failure to assist investors of the Meridian Investment Trust who have been disadvantaged by the unrealised capital gains provisions currently contained in Part 3.10 of the Social Security Act; and
- (5) failing to address the potentially adverse impact of the extended deeming rules on the holders of investments in friendly societies”.

Question—That the amendment be agreed to—put.

The House divided (the Deputy Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 59

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

NOES, 76

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 Kerr	Mr Sawford*
Mr Bevis	Ms Fatin	Mr Knott	Mr Sciacca
Mr Bilney	Mr Ferguson	Mr Langmore	Mr L. J. Scott
Mr Brereton	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 Gorman	Mr Lee	Mr Snow
Mr Cleary	Mr Grace*	Mr Lindsay	Mr Snowdon
Mr Cleeland	Mr Griffin	Ms McHugh	Mr Staples
Ms Crawford	Mr Griffiths	Mr McLeay	Mr Swan
Mr Crean	Mr Haviland	Mr Melham	Mr Tanner
Mrs Crosio	Ms Henzell	Mr A. A. Morris	Dr Theophanous
Mr Cunningham	Mr Holding	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 Howe	Mr O'Keefe	Mr Woods

* Tellers

And so it was negatived.

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

Message from the Administrator: Message No. 338, dated 19 October 1995, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Ruddock having sought to move the following amendments together:

Schedule 1, page 5, after item 1 insert the following item:

“1A. After subsection 1074A(1):

Insert:

‘(1A) An investment in the listed Meridian Investment Trust, comprised of units in that Trust received in exchange for units in one or more Estate Mortgage Trusts, is deemed to be, and always to have been, a market-linked investment that was made or acquired before 9 September 1988.’”.

Schedule 16, page 199, after item 1 insert the following item:

“1A. After subsection 46AA(1):

Insert:

‘(1A) An investment in the listed Meridian Investment Trust, comprised of units in that Trust received in exchange for units in one or more Estate Mortgage Trusts, is deemed to be, and always to have been, a market-linked investment that was made or acquired before 9 September 1988.’—

Deputy Speaker’s ruling: The Deputy Speaker ruled that the proposed amendments were out of order as they appeared to involve an appropriation of revenue and thus, if successful, would run contrary to the constitutional and parliamentary principle of the financial initiative of the Crown.

Debate continued.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mrs Crosio, by leave, the Bill was read a third time.

7 VETERANS’ AFFAIRS LEGISLATION AMENDMENT (1995-96 BUDGET MEASURES) BILL (NO. 2) 1995

The order of the day having been read for the second reading—Mr Sciacca (Minister for Veterans’ Affairs) moved—That the Bill be now read a second time.

Mr Bradford 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.

8 QUESTIONS

Questions without notice being asked—

Mr Fischer (Leader of the National Party of Australia) having asked a question without notice—

Speaker’s ruling: The Speaker ruled that the question was out of order as it did not relate to the Minister’s portfolio responsibility.

Dissent from ruling moved: Mr Costello (Deputy Leader of the Opposition) moved—That the ruling be dissented from.

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 ruling be dissented from—being accordingly put—

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

AYES, 59

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

NOES, 76

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

* Tellers

And so it was negated.

Questions without notice continuing—

Suspension of standing and sessional orders—Motion of censure of the Minister for Human Services and Health

Mr Howard (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House censures the Minister for Human Services and Health for her failure to resign following the findings of the Marks Royal Commission.

Question—put and passed, with the concurrence of an absolute majority.

Minister for Human Services and Health—Motion of censure

Mr Howard moved—That this House censures the Minister for Human Services and Health for her failure to resign following the findings of the Marks Royal Commission.

Debate ensued.

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

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

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

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

AYES, 60

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

NOES, 73

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

* Tellers

And so it was negatived.

Questions without notice concluded.

9 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 9 of 1995-96—Performance audit—Teleservice centres: Department of Social Security.

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

- (1) this House authorises the publication of the Auditor-General's audit report No. 9 of 1995-96; and
- (2) the report be printed.

Question—put and passed.

10 PAPERS

The following papers were presented:

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission—Report for 1994-95.

Aboriginal Hostels Limited—Report for 1994-95.

Airservices Australia—Corporate plan July 1995 to June 2000.

Anglo-Australian Telescope Agreement Act—Anglo-Australian Telescope Board—Report for 1994-95.

Australian Antarctic Foundation—Report for 1994-95.

Australian Broadcasting Corporation Act—Australian Broadcasting Corporation—Report for 1994-95.

Australian Federal Police Act—Australian Federal Police—Report for 1994-95—Erratum.

Australian Horticultural Corporation Act—Australian Horticultural Corporation—Report for 1994-95.

Australian National Maritime Museum Act—Australian National Maritime Museum—Report for 1994-95.

Australian Securities Commission Act—Companies and Securities Advisory Committee—Report for 1994-95.

Australian Sports Drug Agency Act—Australian Sports Drug Agency—Operational plan 1995-96.

Bankruptcy Act—Report for 1994-95—Errata.

Child Care Act—Child care centres failing to register to participate in the quality improvement and accreditation system, 13 November 1995.

Defence Force Discipline Act—Judge Advocate General—Report for 1994—Addendum.

East Asia Analytical Unit—Department of Foreign Affairs and Trade—Report—Overseas Chinese business networks in Asia.

Employment, Education and Training Act—National Board of Employment, Education and Training—Report—Cross-sectoral collaboration in post-secondary education and training, August 1995.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—

Civil Aviation Authority—Equity and diversity program July 1994-June 1997—Progress report for 1994-95.

Health Insurance Commission—Report for 1994-95.

Reserve Bank of Australia—Report for 1994-95.

Family Law Act—Family Court of Australia—Report for 1994-95.

Financial Transaction Reports Act—Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 1994-95.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report for 1994-95.

Inspector-General of Intelligence and Security Act—Inspector-General of Intelligence and Security—Report for 1994-95.

International Labour Organisation—International Labour Conference—Australian Delegation Report—82nd session, Geneva, 6-23 June 1995.

Natural Resources Management (Financial Assistance) Act—National Landcare Advisory Committee—Report for 1994-95.

Nursing home and hostel standards—List of monitoring statements published between 1 January and 30 June 1995.

Nursing Home Standards Review Panels—Reports for 1994-95.

Pig Industry Act—Australian Pork Corporation—8th Report, for 1994-95.

Pipeline Authority Act—Pipeline Authority—Report for 1994-95.

Prices Surveillance Act—Prices Surveillance Authority—Report for 1994-95.

Primary Industries and Energy Research and Development Act—Chicken Meat Research and Development Council—Report for 1994-95.

Egg Industry Research and Development Council—Report for 1994-95.

Grape and Wine Research and Development Corporation and Grape and Wine Research and Development Corporation Selection Committee—Report for 1994-95.

Pig Research and Development Corporation—Report for 1994-95.

Tobacco Research and Development Council—Final report, for 1994-95.

Public Service Act—

Department of Administrative Services—Report for 1994-95.

Department of Human Services and Health—Report for 1994-95, including reports for the Commonwealth Rehabilitation Service, Therapeutic Goods Administration and the Australian Government Health Service.

Qantas Airways Limited—Report for 1994-95.

Snowy Mountains Hydro-electric Power Act—

Snowy Mountains Council—Report for 1994-95.

Snowy Mountains Hydro-electric Authority—Report for 1994-95.

Winegrape and wine industry in Australia—Final report by the Committee of Inquiry into the Winegrape and Wine Industry, 30 June 1995.

11 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission—Report for 1994-95.

Aboriginal Hostels Limited—Report for 1994-95.

Airservices Australia—Corporate plan July 1995 to June 2000.

Australian Horticultural Corporation Act—Australian Horticultural Corporation—Report for 1994-95.

Australian Sports Drug Agency Act—Australian Sports Drug Agency—Operational plan 1995-96.

Child Care Act—Child care centres failing to register to participate in the quality improvement and accreditation system, 13 November 1995.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—

Civil Aviation Authority—Equity and diversity program July 1994-June 1997—Progress report for 1994-95.

Health Insurance Commission—Report for 1994-95.

Family Law Act—Family Court of Australia—Report for 1994-95.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report for 1994-95.

Inspector-General of Intelligence and Security Act—Inspector-General of Intelligence and Security—Report for 1994-95.

Natural Resources Management (Financial Assistance) Act—National Landcare Advisory Committee—Report for 1994-95.

Nursing home and hostel standards—List of monitoring statements published between 1 January and 30 June 1995.

Nursing Home Standards Review Panels—Reports for 1994-95.

Primary Industries and Energy Research and Development Act—Grape and Wine Research and Development Corporation and Grape and Wine Research and Development Corporation Selection Committee—Report for 1994-95.

Public Service Act—

Department of Administrative Services—Report for 1994-95.

Department of Human Services and Health—Report for 1994-95, including reports for the Commonwealth Rehabilitation Service, Therapeutic Goods Administration and the Australian Government Health Service.

Qantas Airways Limited—Report for 1994-95.

Winegrape and wine industry in Australia—Final report by the Committee of Inquiry into the Winegrape and Wine Industry, 30 June 1995.

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

12 DETERMINATION OF ELIGIBLE CHILD CARE CENTRES—PUBLICATION OF PAPER

Mr Beazley (Leader of the House), by leave, moved—That this House authorises the publication of the list of child care centres failing to register to participate in the quality improvement and accreditation system.

Question—put and passed.

13 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS REFORMS

The House was informed that Mr Reith had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government’s industrial relations reforms as evidenced by the widespread and unjustified industrial action which has been irresponsibly sponsored by the ACTU”.

The proposed discussion having received the necessary support—

Mr Reith 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 BILL REFERRED TO MAIN COMMITTEE

Mr McLeay (Chief Government Whip) moved—That the Australian Federal Police Amendment Bill 1995 be referred to the Main Committee for the second reading and consideration in detail stages.

Question—put and passed.

15 SELECTION COMMITTEE—REPORT

Mr Jenkins (Chair) presented the following paper:

Selection Committee—Report relating to the program of business prior to 2.45 p.m. on Monday, 27 November 1995.

16 VETERANS' AFFAIRS LEGISLATION AMENDMENT (1995-96 BUDGET MEASURES) BILL (NO. 2) 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 Administrator: Message No. 339, dated 26 October 1995, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Sciacca (Minister for Veterans' Affairs), the Bill was read a third time.

17 DECLARATION OF BILLS AS COGNATE BILLS

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), by leave, declared that the Customs Tariff Legislation Amendment Bill 1995 and the Excise Tariff Amendment Bill (No. 2) 1995 were cognate Bills.

18 CUSTOMS TARIFF 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.

Debate ensued.

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr McGauran moved the following amendment: Schedule 4, page 9, amendments of Schedule 3 to the *Customs Tariff Act 1987*, omit item 3, substitute:

“3. Omit 2710.00.51, substitute:

‘2710.00.51 - - - -	For use in aircraft	\$0.18116/L
		NZ:\$0.18116/L
		PNG:\$0.18116/L
		FI:\$0.18116/L
		DC:\$0.18116/L.’”.

Debate continued.

Amendment negatived.

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

Clause 2, page 2, after subclause (5) insert the following subclause:

“(5A) Section 6A is taken to have commenced on 11 October 1995.”.

After clause 6, page 2, insert the following clause:

Amendments of the Customs Tariff Act 1987 having effect from 11 October 1995

“6A. The *Customs Tariff Act 1987* is amended as set out in Schedule 4A.”.

After Schedule 4 insert the following Schedule:

“SCHEDULE 4A

Section 6A

AMENDMENTS OF THE CUSTOMS TARIFF ACT 1987 HAVING EFFECT
FROM 11 OCTOBER 1995

PART 1—AMENDMENT OF PRELIMINARY SECTIONS

1. Subsection 26(1):

Omit the table, substitute:

‘TABLE

Column 1 Customs subheading	Column 2 Excise item	Column 1 Customs subheading	Column 2 Excise item
2203.00.10	1(C)	2403.99.20	9
2206.00.11	2(O)	2403.99.90	6
2206.00.12	2(II)(1)	2707.50.11	11(C)(2)(a)
2207.10.00	2(O)	2707.50.19	11(C)(2)(b)
2208.20.10	2(A)	2710.00.12	11(G)(2)(a)
2208.20.90	2(H)(1)	2710.00.19	11(G)(2)(b)
2208.30.00	2(D)	2710.00.20	11(E)(2)
2208.40.00	2(F)	2710.00.30	11(E)(3)
2208.50.00	2(H)(1)	2710.00.40	11(D)
2208.90.00	2(H)(1)	2710.00.51	11(A)(3)(a)
2402.10.00	7	2710.00.52	11(A)(3)(b)
2402.20.00	8	2710.00.53	11(A)(3)(c)
2403.10.00	8		

PART 2—AMENDMENTS OF SCHEDULE 3**2. Additional Note 1 to Chapter 27:**

Omit the Additional Note, substitute:

“1. — For the purposes of 2710.00.12 and 2710.00.30, the physical characteristics of fuel oil are:

- (a) a density equal to or greater than 920.0 kg/m³ at 15°C as determined by either ASTM D1298 or ASTM D4052; and
- (b) a carbon residue, on the whole sample, of at least 2.0% mass as determined by ASTM D189 (Conradson Carbon Residue) or by ASTM D4530 (Carbon Residue-Micro Method); and
- (c) a minimum kinematic viscosity of 10 centistokes (mm² per second) at 50°C as determined by ASTM D445.”.

3. Subheading 2710.00.19:

Omit the subheading, substitute:

‘2710.00.12	----	Having the characteristics of fuel oil as defined in Additional Note 1 to this Chapter	\$0.06954/L NZ:\$0.06954/L PNG:\$0.06954/L FI:\$0.06954/L DC:\$0.06954/L
2710.00.19	----	Other	\$0.33513/L NZ:\$0.33513/L PNG:\$0.33513/L FI:\$0.33513/L DC:\$0.33513/L’.”.

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

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

19 EXCISE TARIFF AMENDMENT BILL (NO. 2) 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.

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr McGauran moved the following amendment: Schedule 3, page 7, amendments of the *Excise Tariff Act 1921*, omit item 2, substitute:

“2. Subparagraph 11(A)(3)(a) of the Schedule:

Omit the subparagraph, substitute:

‘11(A)(3)(a) For use in aircraft \$0.18116 per litre’.”.

Debate ensued.

Amendment negatived.

Bill agreed to.

Consideration in detail concluded.

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

20 INDUSTRY COMMISSION AMENDMENT BILL 1995

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

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Baldwin, the Bill was read a third time.

21 POSTPONEMENT OF BUSINESS

Ordered—That business intervening before order of the day No. 12, government business, be postponed until a later hour this day.

22 AUSTRALIA REMEMBERS 1945-1995—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Sciacca (Minister for Veterans' Affairs)—That the House take note of the paper (*presented on 9 February 1995*), viz.:

Australia Remembers 1945-1995—Progress report—Ministerial statement—
Debate resumed.

Mr Ronaldson addressing the House—

Adjournment negatived: It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Baldwin (Minister for Social Security) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Ronaldson continued his speech.

Debate adjourned (Mr Snowdon—Parliamentary Secretary to the Minister for Employment, Education and Training), and the resumption of the debate made an order of the day for the next sitting.

23 ADJOURNMENT

Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training) 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 21 November 1995:

Bounty Acts—Returns for 1994-95 pursuant to the following Acts—

Bounty (Bed Sheeting).

Bounty (Books).

Bounty (Computers).

Bounty (Fuel Ethanol).

Bounty (Machine Tools and Robots).

Bounty (Printed Fabrics).

Bounty (Ships).

Bounty and Capitalisation Grants (Textile Yarns).

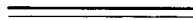
Christmas Island Act—Casino Control Ordinance—Approval of form—Application for variation of key employee's or operations employee's licence.

Defence Act—Determination under section 58B 1995 No. 30.

Health Insurance Act—Statements under section 106AA (Dr Peter Richard Dobie and Dr Aladin Matter), 10 November 1995.

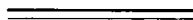
Pasture Seed Levy Act—Declaration 1995 No. 1.

Public Service Act—Determinations 1995 Nos. 145, 146, LES 30, LES 31, LES 33.

**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Gibson, Mr Jull*, Mr Katter, Mr Keating, Mr McLachlan and Mr Tuckey.

*On leave



L. M. BARLIN

Clerk of the House of Representatives

1993-94-95

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

No. 178

MAIN COMMITTEE

**MINUTES OF PROCEEDINGS
TUESDAY, 21 NOVEMBER 1995**

1 The Main Committee met at 1 p.m.

**2 SUPERANNUATION INDUSTRY (SUPERVISION) 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.

Mr Connolly 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 House condemns the Prime Minister for his recent attacks on superannuation fund managers and notes that his vehemence has threatened public confidence in superannuation and the ability of trustees of superannuation funds to perform their functions”.

Debate continued.

Suspension of sitting: At 2.21 p.m., a division having been called in the House, the proceedings were suspended, and the Chair indicated that proceedings would be resumed at 5.30 p.m.

Resumption of sitting: At 5.30 p.m., the proceedings were resumed.

Debate continued.

Suspension of sitting: At 5.31 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 5.43 p.m., the proceedings were resumed.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put and not being resolved—Bill to be returned to the House.

3 DEVELOPMENT ALLOWANCE AUTHORITY AMENDMENT 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.

Debate ensued.

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 Duncan (Parliamentary Secretary to the Attorney-General), Bill to be reported to the House without amendment.

4 DECLARATION OF BILLS AS COGNATE BILLS

Mr Free (Minister for Schools, Vocational Education and Training), by leave, declared that the Student and Youth Assistance Amendment (Youth Training Allowance) Bill (No. 2) 1995 and the Student and Youth Assistance Amendment (Youth Training Allowance) Bill (No. 3) 1995 were cognate Bills.

5 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) BILL (NO. 2) 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.

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

6 ADJOURNMENT

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), the Main Committee adjourned at 7.28 p.m.

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

I. C. HARRIS

Clerk of the Main Committee