

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 179

WEDNESDAY, 22 NOVEMBER 1995

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

2 **MESSAGE FROM THE SENATE—FAMILY LAW REFORM (CONSEQUENTIAL AMENDMENTS) BILL 1995**

Message No. 572, dated 14 November 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to make consequential amendments because of the enactment of amendments of the ‘Family Law Act 1975’, and for other purposes*”.

Bill read a first time.

Paper: Mr Johns (Special Minister of State) presented an explanatory memorandum to the Bill.

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

3 **HEALTH INSURANCE AMENDMENT BILL 1995**

Mr Johns (Special Minister of State), for Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health), pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Act 1973*.

Bill read a first time.

Paper: Mr Johns presented an explanatory memorandum to the Bill.

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

4 **HEALTH LEGISLATION (PRIVATE HEALTH INSURANCE REFORM) AMENDMENT BILL (NO. 2) 1995**

Mr Johns (Special Minister of State), for Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health), pursuant to notice, presented a Bill for an Act to amend the *National Health Act 1953*, and for related purposes.

Bill read a first time.

Paper: Mr Johns presented an explanatory memorandum to the Bill.

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

5 ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) AMENDMENT BILL 1995—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate, viz.:

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 1, page 1, line 3, omit "*Aboriginal*", substitute "*Indigenous*".

No. 2—Schedule, page 2, before item 1 insert the following items:

"1A. Title:

Omit '*Aboriginals*', substitute '*Indigenous persons*'.

1B. Section 1:

Omit '*Aboriginal*', substitute '*Indigenous*'.

1C. Section 3 (definition of *Aboriginal*):

Omit the definition, insert the following definition in alphabetical order:

'*Indigenous* when it refers to a person means a member of the Aboriginal race of Australia, and includes a descendant of the indigenous inhabitants of the Torres Strait Islands.'

1D. Sections 3 to 14 (inclusive):

Omit '*Aboriginal*' (wherever occurring), substitute '*Indigenous*'."—

On the motion of Mr Johns (Special Minister of State), the amendments were agreed to.

6 APPROPRIATION BILL (NO. 3) 1995-96

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.

Papers: Mr Aldred, by leave, presented the following papers:

Westpac and foreign exchange cases—Correspondence and extracts from case, December 1990–November 1995 (14).

Debate continued.

Debate adjourned (Mr Hicks), and the resumption of the debate made an order of the day for a later hour this day.

7 APEC—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

Mr Keating (Prime Minister), by leave, made a ministerial statement on APEC and presented the following paper:

APEC—Ministerial statement, 22 November 1995.

Mr Beddall (Minister for Resources) moved—That the House take note of the paper.

Debate ensued.

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

8 APPROPRIATION BILL (NO. 3) 1995-96

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.

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security) 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.

9 QUESTIONS

Questions without notice were asked.

10 PAPERS

The following papers were presented:

Civil Aviation Act—Civil Aviation Safety Authority—Corporate plan 1995-96 to 1997-98.

Commonwealth Fire Board—Report for 1994-95.

Fisheries Administration Act—Australian Fisheries Management Authority Selection Committee—Final report, for 1994-95.

Human Rights and Equal Opportunity Commission Act—Aboriginal and Torres Strait Islander Social Justice Commissioner—3rd report, for 1994-95.

Office of Film and Literature Classification and Film and Literature Board of Review—Reports for 1994-95.

Royal Australian Air Force—Mid-air collision involving Central Flying School Pilatus PC/9 aircraft A23-006 and A23-036 near RAAF Base East Sale, Vic., on 19 July 1995—Summary of investigation, October 1995.

Transport, Communications and Infrastructure—Standing Committee—Report—Inquiry into the Sydney 2000 Olympics: The adequacy of existing and planned aviation services and infrastructure, 16 November 1994—Government response, 9 November 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:

Civil Aviation Act—Civil Aviation Safety Authority—Corporate plan 1995-96 to 1997-98.

Human Rights and Equal Opportunity Commission Act—Aboriginal and Torres Strait Islander Social Justice Commissioner—3rd report, for 1994-95.

Transport, Communications and Infrastructure—Standing Committee—Report—Inquiry into the Sydney 2000 Olympics: The adequacy of existing and planned aviation services and infrastructure, 16 November 1994—Government response, 9 November 1995.

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

12 SUSPENSION OF STANDING ORDER 48A

Mr Beazley (Leader of the House), by leave, moved—That for this sitting only, the operation of standing order 48A be suspended to the extent that the Speaker shall interrupt the debate on the motion—That the House do now adjourn—at 8.30 p.m. in lieu of 8 p.m. and that a Minister may require the debate to be extended until 8.40 p.m. in lieu of 8.10 p.m. to enable Ministers to speak in reply to matters raised in the preceding adjournment debate.

Debate ensued.

Question—put and passed.

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SMALL BUSINESS

The House was informed that Mrs Moylan had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s failure to acknowledge the importance of the nation’s 860 000 small businesses as evidenced in the November 1995 Yellow Pages Small Business Index report”.

The proposed discussion having received the necessary support—

Mrs Moylan addressed the House.

Discussion ensued.

Discussion concluded.

14 SUPERANNUATION INDUSTRY (SUPERVISION) LEGISLATION AMENDMENT BILL 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Superannuation Industry (Supervision) Legislation Amendment Bill 1995 had been considered in the Main Committee and was returned with an unresolved question (*see item No. 2, Minutes of Proceedings of the Main Committee of 21 November 1995*), and presented a certified copy of the Bill together with a schedule of the unresolved question.

Unresolved question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 72

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

NOES, 54

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

* Tellers

And so it was resolved in the affirmative.

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

Consideration in detail

Clauses 1 to 5, by leave, taken together, and agreed to.

Schedules 1 to 4, by leave, taken together, and agreed to.

Schedule 5—

On the motion of Mr Connolly, the following amendment was made, after debate: Page 43, item 16, omit “Add at the end ‘or Deputy Chairperson’”, substitute “Omit the subsection”.

Schedule, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

15 DEVELOPMENT ALLOWANCE AUTHORITY AMENDMENT BILL 1995—REPORT FROM MAIN COMMITTEE

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

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

16 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) BILL (NO. 2) 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Student and Youth Assistance Amendment (Youth Training Allowance) Bill (No. 2) 1995 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

17 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) BILL (NO. 3) 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Student and Youth Assistance Amendment (Youth Training Allowance) Bill (No. 3) 1995 had been fully considered by the Main Committee, an Administrator's message recommending an appropriation had been reported, and the Bill had been agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

18 STUDENT AND YOUTH ASSISTANCE AMENDMENT (BUDGET MEASURES) BILL 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Student and Youth Assistance Amendment (Budget Measures) Bill 1995 had been fully considered by the Main Committee, an Administrator's message recommending an appropriation had been reported, and the Bill had been agreed to with amendments (*see item No. 4, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

19 PRIME MINISTER AND CABINET (MISCELLANEOUS PROVISIONS) BILL 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Prime Minister and Cabinet (Miscellaneous Provisions) Bill 1995 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

20 AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1995—REPORT FROM MAIN COMMITTEE

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

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

21 MESSAGE FROM THE SENATE

Message No. 577, dated 21 November 1995, from the Senate was reported acquainting the House that Senator Spindler had been appointed a member of the Parliamentary Joint Committee on the Australian Security Intelligence Organization.

22 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER

Mr Hollis (Chairman) presented the following paper:

Public Works—Parliamentary Standing Committee—Report relating to Commonwealth Law Courts building, Melbourne (25th report of 1995).

Ordered to be printed.

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

23 APPROPRIATION BILL (NO. 3) 1995-96

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.

Mr Price addressing the House—

24 ADJOURNMENT

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

Debate ensued.

The House continuing to sit until 8.30 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 22 November 1995:

Federal Airports Corporation Act—Federal Airports (Amendment) By-laws 1995 No. 2.

Taxation Administration Act—

Determinations 1995 Nos. TD 95/58, STD 95/11, STD 95/12.

Ruling 1995 No. TR 95/28.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Elliott, Mr Gorman, Mr Jull*, Mr Katter, Mr McLachlan, Mr Quick 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. 179

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 22 NOVEMBER 1995

1 The Main Committee met at 10 a.m.

2 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) 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.

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

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), Bill to be reported to the House without amendment.

3 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) BILL (NO. 3) 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.

Dr Kemp 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 failure of the Government’s measures to assist young unemployed people”.

Amendment 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. 336, dated 26 October 1995, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

Leave granted for the motion for the Bill to be reported to be moved forthwith.
On the motion of Mr Free, Bill to be reported to the House without amendment.

4 STUDENT AND YOUTH ASSISTANCE AMENDMENT (BUDGET MEASURES) 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.

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

Message from the Administrator: Message No. 340, dated 26 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 Free, by leave, moved the following amendments together:

Schedule 3—

Page 7, item 2, proposed note, omit “limit”, substitute “have the effect of limiting”.

Pages 7 and 8, omit item 3, substitute the following item:

“3. After section 7:

Insert in Part 2:

No benefit (permanent resident who satisfies the residency requirements for at least 12 months)

‘7A.(1) This section applies to a permanent resident of Australia who is not covered by section 7B.

‘(2) Subject to subsection (4) and despite section 7, the Secretary cannot grant a benefit under this Part to the person after a particular day if:

- (a) the person is at least 17 on that day; and
- (b) the person would, apart from this section, be entitled to be granted an amount of benefit immediately after that day; and
- (c) the person satisfies the residency requirements referred to in section 7C on that day and on each day in the 12 months’ period immediately before that day.

‘(3) Subject to subsection (4), if:

- (a) an amount of benefit under this Part would, apart from this section, be payable to the person in respect of a period; and
- (b) the person is at least 17 on the day immediately after that period; and
- (c) the person satisfies the residency requirements referred to in section 7C on that day and on each day in the 12 months’ period immediately before that day;

that amount of benefit is not payable in respect of the period referred to in paragraph (a).

‘(4) Subsections (2) and (3) do not apply to the person if, whether before or after the commencement of this section:

- (a) the person has not made the pledge referred to in section 15 of the *Australian Citizenship Act 1948* but has been granted a certificate of Australian citizenship under section 13 of that Act before the end of the 12 months' period referred to in paragraph (2)(c) or (3)(c), as the case requires; or
- (b) the person is included in a certificate of citizenship under section 13 of that Act before the end of that period but is yet to become an Australian citizen.

No benefit (certain permanent residents who reach 19)

'7B.(1) This section applies to a permanent resident of Australia from the first day when, whether before or after the commencement of this section:

- (a) an amount of benefit under this Part is payable to the person because the person qualifies as an independent student within the meaning of regulation 72, 73, 74 or 75 (except subregulation 75(2)) of the AUSTUDY Regulations; or
- (b) an amount of benefit under this Part is payable to the person while the person is not living with a natural or adoptive parent and while:
 - (i) the person is in the guardianship, care or custody of a Court, Minister or Department; or
 - (ii) there is a current direction from a Court, Minister or Department placing the person in the guardianship, care or custody of someone who is not the person's natural or adoptive parent; or
 - (iii) the person stopped being in a situation described in subparagraph (i) or (ii) only because of his or her age.

'(2) Subject to subsection (4) and despite section 7, the Secretary cannot grant a benefit under this Part to the person after a particular day if:

- (a) the person is at least 19 on that day; and
- (b) the person would, apart from this section, be entitled to an amount of benefit immediately after that day; and
- (c) the person satisfies the residency requirements referred to in section 7C on that day and on each day in the 12 months' period immediately before that day.

'(3) Subject to subsection (4), if:

- (a) an amount of benefit under this Part would, apart from this section, be payable to the person in respect of a period; and
- (b) the person is at least 19 on the day immediately after that period; and
- (c) the person satisfies the residency requirements referred to in section 7C on that day and on each day in the 12 months' period immediately before that day;

that amount of benefit is not payable in respect of the period referred to in paragraph (a).

'(4) Subsections (2) and (3) do not apply to the person if, whether before or after the commencement of this section:

- (a) the person has not made the pledge referred to in section 15 of the *Australian Citizenship Act 1948* but has been granted a certificate of Australian citizenship under section 13 of that Act before the end of the 12

months' period referred to in paragraph (2)(c) or (3)(c), as the case requires; or

- (b) the person is included in a certificate of citizenship under section 13 of that Act before the end of that period but is yet to become an Australian citizen.

'(5) The Court, Minister or Department referred to in subparagraphs (1)(c)(i) and (ii) can be from the Commonwealth or a State or Territory.

Residency requirements for permanent residents of Australia

'7C. For the purposes of sections 7A and 7B, the residency requirements for a person on a particular day, whether before or after the commencement of this section, are that the person:

- (a) must have been present in Australia as a permanent resident of Australia for a period of, or for periods amounting in the aggregate to, not less than one year during the period of 2 years immediately preceding that day; and
- (b) must have been present in Australia as a permanent resident of Australia for a period of, or for periods amounting in the aggregate to, not less than 2 years during the period of 5 years immediately preceding that day.

Sections 7A and 7B do not apply in respect of a year before 1996

'7D. Sections 7A and 7B do not have any effect in relation to:

- (a) the grant of a benefit under this Part; or
- (b) any amount of benefit that is payable under this Part;

in respect of a year that is before the year 1996.'."

Paper: Mr Free presented a supplementary explanatory memorandum to the Bill. Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

5 PRIME MINISTER AND CABINET (MISCELLANEOUS PROVISIONS) BILL 1995

The order of the day having been read for the second reading—Mr Johns (Minister Assisting the Prime Minister for Public Service Matters) 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 Johns, Bill to be reported to the House without amendment.

6 AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1995

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

Debate ensued.

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

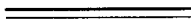
Leave granted for the motion for the Bill to be reported to be moved forthwith.

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

7 ADJOURNMENT

On the motion of Mr Kerr (Minister for Justice), the Main Committee adjourned at 1.45 p.m.

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



I. C. HARRIS

Clerk of the Main Committee