

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 180

THURSDAY, 23 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 NATIONAL FOOD AUTHORITY AMENDMENT BILL 1995

Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), 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 Food Authority Act 1991*, and for related purposes.

Bill read a first time.

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

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

3 PUBLIC ACCOUNTS—JOINT COMMITTEE—FINANCE MINUTE

Mr L. J. Scott (Chairman), by leave, presented the following paper:

Public Accounts—Joint Committee—Finance minute on Report 336—Public business in the public interest: An inquiry into commercialisation in the Commonwealth public sector.

4 SUSPENSION OF STANDING AND SESSIONAL ORDERS—MOTION WITHOUT NOTICE

Mr McLeay (Chief Government Whip), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Watson moving forthwith a motion relating to the Republic of Cyprus.

Question—put and passed.

5 REPUBLIC OF CYPRUS

Mr McLeay moved—That this House:

- (1) reaffirms its total support for the sovereignty and territorial integrity of the Republic of Cyprus as the only legitimate authority on the island;
- (2) reaffirms the position that all foreign troops should be withdrawn from the territory of the Republic of Cyprus;

- (3) applauds the contribution of Australian peacekeepers since 1964 in maintaining order and stability on the island;
- (4) expresses its deep concern that after more than two decades of division on the island there is still no lasting political settlement in sight and its strong belief that the status quo on Cyprus is unacceptable;
- (5) reaffirms its support for the United Nations Secretary-General's long-standing efforts to resolve the Cyprus problem in a just and viable manner;
- (6) notes that the prospects of Cyprus joining the EU offers potential benefits for the economic development and security of the whole island and the chance to bring the communities in Cyprus closer together;
- (7) urges all parties involved in the Cyprus question to demonstrate goodwill and a new resolve to work actively towards a lasting and peaceful political settlement based upon the relevant United Nations resolutions, in particular resolution 939 of 1994;
- (8) agrees with the United States Congress that ultimate total demilitarisation of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support; and
- (9) encourages the United Nations Security Council to consider alternative approaches to promote a resolution of the long-standing dispute regarding Cyprus based upon relevant Security Council resolutions, including incentives to encourage progress in negotiations.

Debate ensued.

Question—put and passed.

6 APEC—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 Beddall (Minister for Resources)—That the House take note of the paper (*presented on 22 November 1995*), viz.:

APEC—Ministerial statement, 22 November 1995—

Debate resumed.

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

7 DEATH OF PRIME MINISTER OF ISRAEL (MR YITZHAK RABIN)

Mr Keating (Prime Minister) referred to the death of the Prime Minister of Israel (Mr Yitzhak Rabin), and moved—That this House:

- (1) records its deep sadness at the assassination on 4 November 1995 of Yitzhak Rabin, Prime Minister of Israel;
- (2) expresses its profound sympathy to Mrs Leah Rabin and her family and to the people of Israel in their bereavement;
- (3) further expresses its hope that all the parties to the Middle East peace process will continue to follow the path of peace and reconciliation along which Mr Rabin had set out; and
- (4) requests that this motion be conveyed by the Speaker on behalf of the House to the Government of Israel.

And Mr Howard (Leader of the Opposition) having seconded the motion, Mr Fischer (Leader of the National Party of Australia) and other Members having addressed the House in support thereof, and all Members present having risen, in silence—

Question—passed.

8 QUESTIONS

Questions without notice being asked—

Member ordered to withdraw: At 3.27 p.m. the Member for Mayo (Mr Downer) was ordered, under standing order 304A, to withdraw from the House for 1 hour for disorderly conduct, and he accordingly withdrew from the Chamber.

Questions without notice continuing—

Paper: Mr Brereton (Minister for Transport) presented the following paper: Sydney (Kingsford-Smith) Airport—Airservices rejects alternative Sydney operating proposals—Airservices Australia position paper 59/95, 23 November 1995.

Questions without notice continued.

Suspension of standing and sessional orders moved

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 Prime Minister for his paralysis of leadership and:

- (1) his failure to sack a Minister who has been exposed as having lied;
- (2) his failure to disclose that he had been told by the Western Australian Labor leader that his Minister's claims were wrong;
- (3) his industrial relations incompetence which enabled a disastrous strike to go ahead; and
- (4) his inability to insist on truth from those around him.

Debate ensued.

The time allowed by standing order 91 for debate on the motion having expired—

Question—put.

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

AYES, 55

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

NOES, 74

Mr Adams	Mr Duncan	Mr Humphreys	Mr O'Keefe
Mr Baldwin	Mrs Easson	Mr Jenkins	Mr Price
Mr Beazley	Mr Elliott	Mr Johns	Mr Punch
Mr Beddall	Mr M. J. Evans	Mr Jones	Mr Quick
Mr Bevis	Ms Fatin	Mr Keating	Mr Sawford*
Mr Bilney	Mr Ferguson	Mr Kerr	Mr Sciacca
Mr Brereton	Mr Fitzgibbon	Mr Knott	Mr L. J. Scott
Mr Brown	Mr Free	Mr Langmore	Mr Simmons
Mr Campbell	Mr Gear	Mr Latham	Mrs S. J. Smith
Mr Chynoweth	Mr Gibson	Mr Lee	Mr S. F. Smith
Mr Cleary	Mr Grace*	Mr Lindsay	Mr Snow
Mr Cleeland	Mr Griffin	Ms McHugh	Mr Staples
Ms Crawford	Mr Griffiths	Mr Mack	Mr Tanner
Mr Crean	Mr Haviland	Mr McLeay	Dr Theophanous
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 Duffy	Mr Howe	Mr O'Connor	

* Tellers

And so it was negatived.

Questions without notice concluded.

9 PRIVILEGE—COMPLAINT OF BREACH

Mr Cleeland (Chairman of the Parliamentary Joint Committee on the National Crime Authority) raised, as a matter of privilege, an article in the *Sunday Age* of 29 October 1995 which, he said, revealed details of the committee's report on organised criminal paedophile activity prior to its presentation to the House. Mr Cleeland stated that the committee had determined that interference with its work had occurred.

The Speaker stated that he would consider the matter and report to the House.

10 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 10 of 1995-96—Performance audit—Sale of the Moomba to Sydney gas pipeline.

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

- (1) this House authorises the publication of the Auditor-General's audit report No. 10 of 1995-96; and
- (2) the report be printed.

Question—put and passed.

11 PAPERS

The following papers were presented:

Employment, Education and Training Act—National Board of Employment, Education and Training—Reports—

Australian Language and Literacy Council, including the Board's comments—Teacher education in English language and literacy, November 1995.

Employment and Skills Formation Council, including the Board's comments—Converging technology, work and learning, November 1995.

National Health Act—Private Health Insurance Administration Council—Report for 1994-95.

National Rail Corporation Agreement Act—National Rail Corporation Limited—Report for 1994-95.

12 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

National Health Act—Private Health Insurance Administration Council—Report for 1994-95.

National Rail Corporation Agreement Act—National Rail Corporation Limited—Report for 1994-95.

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

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 Australia's continuing poor productivity performance and 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 CORPORATIONS LAW AMENDMENT BILL 1995—REPORT FROM MAIN COMMITTEE

The Speaker reported that the Corporations Law 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*), and presented a certified copy of the Bill together with a schedule of the unresolved question.

Unresolved question—That the amendment be agreed to—put.

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

AYES, 53

Mr Abbott	Mr Downer	Mr McGauran	Mr Sinclair
Mr Anderson	Mr R. D. C. Evans	Mr Mack	Mr Slipper
Mr J. N. Andrew	Mr Filing	Mr Miles	Mr B. M. Smyth
Mr K. J. Andrews	Mr Fischer	Mrs Moylan	Mr Somlyay
Mr Atkinson	Mrs Gallus	Mr Nehl	Mr Taylor
Mrs Bishop	Mr Georgiou	Mr Nugent	Mr Thomson
Mr Bradford	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	Dr Kemp	Mr Ronaldson	Ms Worth
Mr Connolly	Mr Lieberman	Mr Ruddock	
Mr Costello	Mr Lloyd	Mr B. C. Scott	
Mr Dobie	Mr McArthur	Mr Sharp	

NOES, 72

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

* Tellers

And so it was negatived.

Bill agreed to.

On the motion of Mr Kerr (Minister for Justice), by leave, the Bill was read a third time.

15 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILL

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bill:

22 November 1995—Message No. 341—Sydney Airport Curfew 1995.

16 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the following Bill without amendment:

22 November 1995—Message No. 580—Higher Education Funding Amendment (No. 1) 1995.

17 MESSAGE FROM THE SENATE—AIRPORTS BILL 1995

The following message from the Senate was reported:

Message No. 575

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act about airports*”, 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, 21 November 1995

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

18 MESSAGE FROM THE SENATE—AIRPORTS (TRANSITIONAL) BILL 1995

The following message from the Senate was reported:

Message No. 576

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act relating to the privatisation of airports, and other matters*”, 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, 21 November 1995

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

19 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT (FBT COST OF COMPLIANCE) BILL 1995

The following message from the Senate was reported:

Message No. 578

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law relating to taxation*”, 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, 22 November 1995

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

20 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 3) 1995

The following message from the Senate was reported:

Message No. 579

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law relating to taxation*”, 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, 22 November 1995

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

21 MESSAGE FROM THE SENATE—HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 2) 1995

The following message from the Senate was reported:

Message No. 581

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Higher Education Funding Act 1988’*”, 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, 22 November 1995

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

22 MESSAGE FROM THE SENATE—BROADCASTING SERVICES AMENDMENT BILL 1995

Message No. 582, dated 21 November 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Broadcasting Services Act 1992’*”.

Bill read a first time.

Paper: Mr Elliott (Parliamentary Secretary to the Treasurer) presented an explanatory memorandum to the Bill.

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

23 ADJOURNMENT

Mr Elliott (Parliamentary Secretary to the Treasurer) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 6 p.m.—The Speaker adjourned the House until Monday next at 12.30 p.m.

PAPERS

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

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part 40—Amendment 20 November 1995.

Customs Act—Instrument of approval 1995 No. 22.

Social Security Act—Social Security (Family Payments—Higher Amounts) Determination No. 1.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Aldred, Mr Gorman, Mr Jull*, Mr Katter, Mr Lavarch, Dr Lawrence, Mr McLachlan, Mrs Sullivan and Mr Woods.

*On leave

L. M. BARLIN

Clerk of the House of Representatives

1993-94-95

HOUSE OF REPRESENTATIVES

SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 180

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 23 NOVEMBER 1995

1 The Main Committee met at 10 a.m.

2 CORPORATIONS LAW 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.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Ruddock moved the following amendment: Schedule, page 3, omit items 1 and 2, substitute the following item:

“1. Subsection 556(2) (definition of *relevant authority*):

After paragraph (d) add:

‘(c) in any case—a director of a company that is under a deed of company arrangement executed by the company, even if the deed terminated before the winding up began;’.”

Debate continued.

Question—That the amendment be agreed to—put and not being resolved—Bill to be returned to the House.

3 ADJOURNMENT

On the motion of Mr Kerr (Minister for Justice), the Main Committee adjourned at 10.40 a.m.



I. C. HARRIS

Clerk of the Main Committee