

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 13

TUESDAY, 11 SEPTEMBER 1990

-
- 1 The House met, at 2 p.m., pursuant to adjournment. Mr Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
- 2 **PRIVILEGE—COMPLAINT OF BREACH:** Dr Theophanous raised, as a matter of privilege, the alleged disclosure of the private deliberations of, and premature publication of the purported contents of a report of, the Joint Standing Committee on Migration Regulations which is yet to be presented to Parliament. Dr Theophanous produced copies of articles from the *Melbourne Sunday Herald* of 9 September 1990 and the *Sydney Morning Herald* of 10 September 1990 and gave the names of the publishers of those newspapers.
Mr Speaker stated that he would consider the matter and report to the House at a later hour this day.
- 3 **QUESTIONS:** Questions without notice were asked.
- 4 **PAPERS:** Mr Speaker presented the following papers:
Department of the Parliamentary Library—Draft report for 1989-90.
Public Service Act—Department of the House of Representatives—Report and financial statements, including the Auditor-General's Report, for 1989-90.
- 5 **AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS AND REFERENCE TO COMMITTEE:** Mr Speaker presented the following papers:
Audit Act—Auditor-General—Audit reports—1990-91—
No. 3—Department of Defence: Australia's Army Reserve.
No. 5—Report on ministerial portfolios: Budget sittings 1990.
Mr Beazley (Leader of the House), by leave, moved—That:
(1) this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the Auditor-General's audit reports Nos. 3 and 5 of 1990-91;
(2) the reports be printed; and
(3) audit report No. 3 of 1990-91—Department of Defence: Australia's Army Reserve be referred to the Joint Committee on Foreign Affairs, Defence and Trade.
Question—put and passed.
- 6 **PAPERS:** The following papers were presented:
Aboriginal deaths in custody—Royal Commission—Reports—Inquiry into the death of—
Clarence Alec Nean.
Thomas Carr.

Aircraft Noise—House of Representatives Select Committee—Report, dated September 1985—Government response.

Automotive Industry Authority Act—Automotive Industry Authority—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1989-90.

Canberra College of Advanced Education Act—Council of the Canberra College of Advanced Education—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1989.

Commonwealth Electoral Act—Australian Electoral Commission—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1989-90.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Parliament House Construction Authority—Report for 1989-90.

Industry Commission Act—Industry Commission—Report No. 3—Aids and appliances for people with disabilities, dated 18 July 1990.

Maritime College Act—Council of the Australian Maritime College—Report and financial statements, including the Auditor-General's Report, for 1989.

Tasmanian World Heritage Area Ministerial Council—Summary records of meetings—

9th, Hobart, 24 January 1989.

10th, Launceston, 17 March 1989.

11th, Hobart, 24 August 1989.

12th, Cradle Mountain, 2 December 1989.

The defence force and the community: A partnership in Australia's defence—Report to the Minister for Defence by Mr A. K. Wrigley, dated June 1990.

Tobacco Marketing Act—Australian Tobacco Board—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1989.

United Nations General Assembly—44th session, 1989—Report of the Australian Delegation.

7 AUSTRALIAN ELECTORAL COMMISSION—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Commonwealth Electoral Act—Australian Electoral Commission—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1989-90.

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

8 TASMANIAN WORLD HERITAGE AREA MINISTERIAL COUNCIL—SUMMARY RECORDS OF MEETINGS—MOTION TO TAKE NOTE OF PAPERS: Mr Beazley (Leader of the House) moved—That the House take note of the following papers:

Tasmanian World Heritage Area Ministerial Council—Summary records of meetings—

9th, Hobart, 24 January 1989.

10th, Launceston, 17 March 1989.

11th, Hobart, 24 August 1989.

12th, Cradle Mountain, 2 December 1989.

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

- 9 **ABORIGINAL DEATHS IN CUSTODY—ROYAL COMMISSION—REPORTS—PUBLICATION OF PAPERS:** Mr Beazley (Leader of the House), by leave, moved—That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the reports of the Royal Commission into Aboriginal Deaths in Custody of the inquiries into the deaths of—

Clarence Alec Nean.

Thomas Carr.

Question—put and passed.

- 10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TELECOMMUNICATIONS REFORM:** The House was informed that Mr N. A. Brown had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s failure to implement real and substantial reform in telecommunications”.

The proposed discussion having received the necessary support—

Mr N. A. Brown addressed the House.

Discussion ensued.

Discussion concluded.

- 11 **MIGRATION REGULATIONS—JOINT STANDING COMMITTEE—REPORT—PAPER NOTED:** Dr Theophanous (Chairman) presented the following report and related papers:

Migration Regulations—Joint Standing Committee—First Report—Illegal entrants in Australia: Balancing control and compassion—

Report, including 4 dissenting reports, dated September 1990.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Beazley (Leader of the House), by leave, moved—That the House take note of the report.

Debate ensued.

Question—put and passed.

- 12 **MESSAGES FROM THE SENATE:** Messages from the Senate, dated 24 August 1990, were reported acquainting the House of changes in the membership of Senators on the following joint committees:

Message—

No. 49—

Joint Committee on the Australian Capital Territory—Appointment of Senator West.

Joint Standing Committee on Electoral Matters—

(1) Discharge of Senator Short.

(2) Appointment of Senator Kemp.

No. 50—

Joint Committee of Public Accounts—

(1) Discharge of Senator Schact.

(2) Appointment of Senator Loosley.

Parliamentary Standing Committee on Public Works—Appointment of Senator Calvert.

- 13 MESSAGE FROM THE SENATE—END OF WAR LIST BILL 1989—REQUEST FOR RESUMPTION OF CONSIDERATION: The following message from the Senate was reported:

Message No. 48

Mr Speaker,

The Senate requests the House of Representatives to resume consideration of the bill entitled "*A bill for an Act to establish an end of war list for Australian service personnel*", which was transmitted to the House of Representatives for its concurrence on 2 November 1989 during the last session of the Parliament.

KERRY SIBRAA
President

The Senate,
Canberra, 23 August 1990

Statement by Mr Speaker: Mr Speaker made a statement on parliamentary procedure and the resumption of proceedings on lapsed bills.

Ordered—That the message be taken into consideration forthwith.

Mr Free (Parliamentary Secretary to the Prime Minister) moved—That the House of Representatives, having considered Senate Message No. 48 requesting the House to resume consideration of the Bill entitled "*A Bill for an Act to establish an end of war list for Australian service personnel*", resolves that a message be sent to the Senate stating that:

- (1) the request is irregular in that it seeks to have the House resume consideration of a bill which lapsed at the dissolution of the House of Representatives and in respect of which the resumption of proceedings is effectively prevented by the standing orders of the House and accepted parliamentary practice;
- (2) the House does not intend to resume consideration of the bill as requested; and
- (3) if the Senate desires the House of Representatives to consider the bill, it is suggested that the Senate should introduce it again and transmit it to the House for concurrence in accordance with normal procedures.

Debate ensued.

Question—put and passed.

- 14 APPROPRIATION BILL (NO. 1) 1990-91—BUDGET DEBATE: 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.

Privilege—Statement by Mr Speaker: Mr Speaker referred to the matter raised earlier this day by Dr Theophanous (*see* entry No. 2) regarding the alleged disclosure of the private deliberations of, and premature publication of the purported contents of a report of, the Joint Standing Committee on Migration Regulations.

Mr Speaker stated that he had concluded that a *prima facie* case had been made out such as would justify him according precedence to a motion on this matter. Mr Speaker stated that it might suit the convenience of the House if, rather than having a motion of referral moved at this stage, the matter be given further consideration by the Joint Standing Committee along the lines now followed in the British House of Commons whereby the committee concerned seeks to discover the source of the premature disclosure and assess whether it constitutes a substantial interference with its work or with the functions of the House. If the committee considers that there has been, or is likely to be, such interference, it should report to the House accordingly, and a report of this character could be referred to the Committee of Privileges.

Debate continued.

Mr Elliott addressing the House—

15 **ADJOURNMENT:** It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Deputy Speaker adjourned the House until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 11 September 1990:

Aboriginal and Torres Strait Islander Commission Act—

Notice—1990—No. 2.

Regional Council Election Rules—1990—No. 1.

Acts Interpretation Act—Statement relating to the extension of specified period for presentation of periodic report—Canberra College of Advanced Education—Report for 1989.

Australian Capital Territory (Planning and Land Management) Act—Extension of specified period of certification of draft plan, dated 21 August 1990.

Australian Federal Police Act—Regulations—Statutory Rules 1990, No. 273.
Bounty and Subsidy Acts—Returns for 1989-90, pursuant to the following Acts—

Bounty (Bed Sheeting).

Bounty (Books).

Bounty (Commercial Motor Vehicles).

Bounty (Computers).

Bounty (Injection Moulding Equipment).

Bounty (Metal Working Machines and Robots).

Bounty (Printed Fabrics).

Bounty (Photographic Film).

Bounty (Ships) Act 1980.

Bounty (Ships) Act 1989.

Bounty (Ship Repair).

Bounty (Steel Mill Products).

Bounty (Textile Yarns).

Subsidy (Cultivation Machines and Equipment).

Subsidy (Grain Harvesters and Equipment).

Commonwealth Employees' Rehabilitation and Compensation Act—Declarations and Specifications—Notice—1990—No. 1 (*in substitution for paper presented on 21 August 1990*).

Customs Act—

Notice—1990—No. 2.

Regulations—Statutory Rules 1990, No. 274.

Defence Act—Determination under section 52—1990—No. 1—Defence Force (Superannuation Interim Arrangement).

Dried Fruits Export Charges Act—Regulations—Statutory Rules 1990, No. 278.

Environment Protection (Nuclear Codes) Act—Order under subsection 9(1), dated 26 June 1990.

Excise Act—Notice—1990—No. 2.

Export Control Act—Export Control (Orders) Regulations—Order—1990—No. 2—Livestock Export (Merino) (Amendment).

Extradition Act—Regulations—Statutory Rules 1990, Nos. 268, 269.

Federal Court of Australia Act—Rules of Court—Statutory Rules 1990, No. 276.

- Higher Education Funding Act—Determinations—1990—
 T10 and T11—Grants for Expenditure for Operating Purposes (Early Retirement Assistance).
 T12, T13 and T14—Grants for Expenditure for Operating Purposes.
 T15—Grants for Expenditure for Limited Operating Purposes.
- Judiciary Act—Rule of Court, dated 14 August 1990.
- Migration Act—Regulations—Statutory Rules 1990, Nos. 272, 279, 280, 281.
- Motor Vehicle Standards Act—
 Determination—1990—No. 1—Procedures for the inspection of steps in the manufacture and testing of motor vehicles.
 Determination of Motor Vehicle Standards—Order—1990—No. 1.
- National Crime Authority Act—Regulations—Statutory Rules 1990, No. 270.
- National Health Act—
 Determinations—1990—BPT6, BPT7.
 Notice of determination of amount for the purposes of subparagraph 47 (2) (b) (iii), dated 30 August 1990.
 Pharmaceutical Benefits—Declarations—1990—Nos. PB4, PB5.
 Regulations—Statutory Rules 1990, No. 267.
- Occupational Superannuation Standards Act—Regulations—Statutory Rules 1990, No. 275.
- Public Service Act—
 Determinations—1990—Nos. 61, 72, 75, 78, 82, 84, 85, 88, 89, 100, 101, 102, 104, 105, 107, 108, 109, 110, LES 1, LES 2, LES 3, LES 4, LES 5.
 Regulations—Statutory Rules 1990, No. 277.
- Radiocommunications Act—Standards—Statutory Rules 1990, Nos. 262, 263.
- Remuneration Tribunal Act—Remuneration Tribunal—Determination—1990/16—Director of Chemicals Notification and Assessment and holders of public offices on other bodies.
- Social Security Act—Determination—1990—No. 1—Fees and allowances payable to witnesses appearing before the Social Security Appeals Tribunal.
- States Grants (Schools Assistance) Act—Determinations of amount under section 17, dated 5 and 16 July 1990.
- Superannuation Act—Regulations—Statutory Rules 1990, No. 271.
- Telecommunications Act—Determination of Technical Standards pursuant to section 106, dated 16 May 1990.
- World Heritage Properties Conservation Act—Notice of consent pursuant to section 9, dated 29 August 1990.

ATTENDANCE: All Members attended (at some time during the sitting) except Dr Blewett, Dr Charlesworth, Mr Cowan, Mrs Darling, Mr R. F. Edwards, Mr Johns, Mr Sinclair and Mr Webster.

L. M. BARLIN
 Acting Clerk of the House of Representatives