

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 16

MONDAY, 17 SEPTEMBER 1990

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- 1 The House met, at 2 p.m., pursuant to adjournment. Mr Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
 - 2 **MINISTERIAL ARRANGEMENTS:** Mr Keating (Acting Prime Minister) informed the House that, during the absence abroad of Mr Hawke (Prime Minister), he was acting as Prime Minister.
 - 3 **PRIVILEGE—COMPLAINT OF BREACH:** Dr Theophanous raised, as a matter of privilege, an article by Mr M. Daly published in the Melbourne *Sunday Herald* of 16 September 1990, which appeared to reveal a knowledge of a confidential submission to the Joint Standing Committee on Migration Regulations.
Dr Theophanous presented a copy of the article and gave the name of the publisher of that newspaper.
Mr Speaker stated that he would consider the matter and report to the House at a later hour this day.
 - 4 **QUESTIONS:** Questions without notice being asked—
Paper: Mr Dawkins (Minister for Employment, Education and Training) presented the following paper:
Australian Education Council—Australasian Conference of Assessment and Certification Authorities—Report—Leaving School 1990: A guide to Year 12 Certificates and Tertiary Entrance Statements in Australia.
Questions without notice continued.
 - 5 **PRIVILEGE MATTER RAISED BY MR SCHOLLES—STATEMENT BY MR SPEAKER:** Mr Speaker referred to the matter of privilege raised on 13 September 1990 by Mr Scholes concerning a letter sent to him from a firm of solicitors, Dunhill Madden Butler, regarding the Farrow/Pyramid Group of Building Societies, which he considered constituted interference with his duties as a Member of the House. Mr Speaker stated that, having considered the material and the arguments in this particular matter, he believed that it was a borderline case upon which the House would benefit from the advice of the Committee of Privileges. In these circumstances, he was prepared to allow precedence to a motion to refer the matter to the Committee of Privileges.
Mr Scholes then moved—That the matter of the letter of 6 September 1990, from A. Elder of Dunhill Madden Butler to the honourable Member for Corio, be referred to the Committee of Privileges.
Question—put and passed.

6 PAPERS: The following papers were presented:

Aboriginal deaths in custody—Royal Commission—Reports—Inquiry into the death of—

Robert Anderson.

Stanley Brown.

Benjamin William Morrison.

Electoral Matters—Joint Standing Committee—Report—Inquiry into the ACT election and electoral system, dated November 1989—Government response.

7 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Electoral Matters—Joint Standing Committee—Report—Inquiry into the ACT election and electoral system, dated November 1989—Government response.

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

8 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—

Robert Anderson.

Stanley Brown.

Benjamin William Morrison.

Question—put and passed.

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIVATISATION STRATEGY FOR PUBLIC ENTERPRISES: The House was informed that Mr Jull had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government to outline a coherent privatisation strategy for public enterprises, including the airlines, which has resulted in significant costs to the Australian economy”.

The proposed discussion having received the necessary support—

Mr Jull addressed the House.

Discussion ensued.

Discussion concluded.

10 PUBLIC WORKS COMMITTEE—REPORT—STATEMENT BY MEMBER: Mr Hollis (Chairman) presented the following report from the Parliamentary Standing Committee on Public Works:

Report relating to the construction of Perth office and warehouse complex for the Civil Aviation Authority (7th report of 1990).

Ordered to be printed.

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

11 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 matter raised by Dr Theophanous—Statement by Mr Speaker: Mr Speaker referred to the matter of privilege raised earlier this day by Dr Theophanous (see entry No. 3) regarding an article in the Melbourne *Sunday Herald* of 16 September 1990, which appeared to reveal a knowledge

of a confidential submission to the Joint Standing Committee on Migration Regulations.

Mr Speaker noted that the Joint Committee concluded that the article constituted substantial interference with its work and wished the matter to be referred to the Committee of Privileges. He stated that he was prepared to accord precedence to a motion in respect of the matter. Nevertheless, the procedure of the House of Commons to which he had drawn attention last week (*see* entry No. 14, *Votes and Proceedings* No. 16, Tuesday, 11 September 1990) as well as requiring the relevant committee to form a view as to the damage done by the disclosure, requires the committee itself to seek to ascertain the source of the disclosure. He referred to the Chairman's statement that the committee was giving consideration to the matters raised on 11 September and stated that before proceeding further with the article complained of today, the Committee should consider taking whatever steps it may wish to ascertain the source of the latest disclosure.

Mr Speaker then outlined the attitude he proposed to take for similar privilege matters for the remainder of the Budget sittings. When a committee becomes aware of the unauthorised disclosure or publication of material Mr Speaker proposed that the Chairman, or another member acting for the committee, should inform him as soon as is practicable. The committee would then seek to discover the source of the leak and to assess whether it constituted, or was likely to constitute, a substantial interference with its work or the functions of the House. If, as a result of its consideration of a matter, a committee presented a special report to the House stating that substantial interference had occurred, the Speaker would still be able to accord priority to a motion because he had been advised when the matter first came to light. To enable Members to have an opportunity to consider the special report before a motion was proposed, Mr Speaker stated that a motion to refer the matter to the Committee of Privileges should not normally be moved until the next sitting day.

Mr Speaker stated that he was not in any way seeking to reduce Members' rights to raise complaints under the established procedures. Rather, he was outlining the approach he proposed to take in respect of complaints of the kind raised by the Member which would give Members an opportunity to form a view as to whether these procedures are worthwhile in the House.

Debate continued.

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

Overseas student program and attendance requirements—Copies of letters from—

Ms D. Walburn, Bursar, L. V. International Business College to—

Mr R. Gregory, Overseas Students Office, dated 27 June 1990.

Mr J. Checutti, dated 9 July 1990.

P. J. Ibbotson, The Academy of English in Australia, to the Manager, Overseas Students Section, Department of Employment, Education and Training, dated 16 July 1990.

Debate continued.

12 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.—Mr Speaker adjourned the House until tomorrow at 2 p.m.

PAPERS: The following papers were deemed to have been presented on 17 September 1990:

Aboriginal Land Rights (Northern Territory) Act—Regulations—Statutory Rules 1990, No. 282.

Administrative Appeals Tribunal Act—Regulations—Statutory Rules 1990, No. 284.

Aged or Disabled Persons Homes Act—Statement of the rights and responsibilities of the residents of approved hostels, formulated pursuant to section 10DA, dated 14 September 1990.

Air Force Act—Regulations—Statutory Rules 1990, No. 288.

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Orders—Parts—
20—Amendment, dated 6 September 1990.

82—Amendment, dated 7 September 1990.

Regulations—Statutory Rules 1990, No. 289.

Companies Act—Regulations—Statutory Rules 1990, No. 285.

Defence Act—

Determinations under section 58B—1990—

No. 116—Post Allowance—Vanuatu and Post Allowance—Zambia.

No. 118—Settling In and Settling.

No. 121—Post Allowance—Jordan.

No. 122—Saudi Arabia—Post Allowance.

No. 128—Temporary Rental Allowance.

No. 129—Gulf Allowance and other allowances.

Regulations—Statutory Rules 1990, No. 286.

National Health Act—

Common form of agreement between residents and proprietors of approved nursing homes, formulated pursuant to section 40ABB, dated 14 September 1990.

Principles formulated under subsections—

39BA(4), dated 14 September 1990.

39BB(5), dated 14 September 1990.

40AA(7), Amendment, dated 23 August 1990.

Statement of the rights and responsibilities of the patients of approved nursing homes, formulated pursuant to section 45F, dated 14 September 1990.

Naval Defence Act—Regulation—Statutory Rules 1990, No. 287.

Ozone Protection Act—Regulations—Statutory Rules 1990, No. 283.

Privacy Act—Public Interest Determinations pursuant to section 72, dated 16 July 1990 and 14 August 1990.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Cameron, Dr Charlesworth, Ms Crawford, Mrs Darling, Mr Dubois, Mr R. F. Edwards, Mr Hawke, Dr Hewson, Mr Kerr, Mr Lee, Mr McGauran, Mr J. L. Scott, Mr Sinclair, Mr Snowdon, Mrs Sullivan, Mr Taylor and Mr Webster.

L. M. BARLIN

Acting Clerk of the House of Representatives