

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 53

WEDNESDAY, 13 MARCH 1991

1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.

2 **ANTARCTIC MINING PROHIBITION BILL 1991:** 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 Riggall addressing the House—

It being 12.45 p.m., the debate was interrupted in accordance with sessional order 101A, and the resumption of the debate made an order of the day for a later hour this day.

3 **QUESTIONS:** Questions without notice were asked.

4 **AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER:** Mr Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 20 of 1990-91—Ministerial portfolios: Autumn sittings 1991.

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 report No. 20 of 1990-91; and

(2) the report be printed.

Question—put and passed.

5 **PAPERS:** The following papers were presented:

Aboriginal deaths in custody—Royal Commission—Report of the inquiry into the death of—

Walter James Barney.

Burrabangi (NT/11).

Jambajimba (NT/1).

Monty Charles Salt.

Building a competitive Australia—Statements by Mr Hawke, Prime Minister, Mr Keating, Treasurer and Senator Button, Minister for Industry, Technology and Commerce, dated 12 March 1991—Errata.

Employment, Education and Training Act—National Board of Employment, Education and Training—Report—Strengthening careers education in schools, dated March 1991.

Remuneration Tribunal Act—Remuneration Tribunal—Report, including freedom of information statement, for 1989-90.

6 NATIONAL BOARD OF EMPLOYMENT, EDUCATION AND TRAINING—REPORT ON STRENGTHENING CAREERS EDUCATION IN SCHOOLS—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—that the House take note of the following paper:

Employment, Education and Training Act—National Board of Employment, Education and Training—Report—Strengthening careers education in schools, dated March 1991.

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

7 BUILDING A COMPETITIVE AUSTRALIA—PAPER—ERRATA—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—that the House take note of the following paper:

Building a competitive Australia—Statements by Mr Hawke, Prime Minister, Mr Keating, Treasurer and Senator Button, Minister for Industry, Technology and Commerce, dated 12 March 1991—Errata.

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 inquiry into the death of—

Walter James Barney.

Burrabangi (NT/11).

Jambajimba (NT/1).

Monty Charles Salt.

Question—put and passed.

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAX REFORM AND MICROECONOMIC POLICY: The House was informed that Mr Reith (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of the Government, in its industry statement, to exhibit the same determination on tax reform and microeconomic policy that they have on tariff reductions”.

The proposed discussion having received the necessary support—
Mr Reith addressed the House.

Discussion ensued.

Discussion concluded.

10 POSTPONEMENT OF ORDERS OF THE DAY: Ordered—that orders of the day Nos. 2 and 3, government business, be postponed until a later hour this day.

11 SOCIAL SECURITY LEGISLATION AMENDMENT BILL 1991: Mr Bilney (Minister for Defence Science and Personnel), for Mr Staples (Minister for Aged, Family and Health Services), pursuant to notice, presented a Bill for an Act to amend the law relating to social welfare, and for related purposes.

Bill read a first time.

Mr Bilney moved—that the Bill be now read a second time.

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

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

12 SOCIAL SECURITY (REWRITE) TRANSITION BILL 1991: Mr Bilney (Minister for Defence Science and Personnel), for Mr Staples (Minister for Aged, Family and Health Services), pursuant to notice, presented a Bill for an

Act to repeal the *Social Security Act 1947* and to make consequential, savings and transitional provisions for the transition to the *Social Security Act 1991*, and for related purposes.

Bill read a first time.

Mr Bilney moved—That the Bill be now read a second time.

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

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

13 DEFENCE FORCE SUPERANNUATION LEGISLATION AMENDMENT BILL 1991:

Mr Bilney (Minister for Defence Science and Personnel), pursuant to notice, presented a Bill for an Act to amend certain Acts providing retirement and death benefits for members of the Defence Force, and for related purposes.

Bill read a first time.

Mr Bilney moved—That the Bill be now read a second time.

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

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

14 MILITARY SUPERANNUATION AND BENEFITS BILL 1991: Mr Bilney (Minister for Defence Science and Personnel) presented a Bill for an Act to make provision for and in relation to an occupational superannuation scheme for, and the payment of other benefits to, members of the Defence Force, and for related purposes.

Bill read a first time.

Mr Bilney moved—That the Bill be now read a second time.

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

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

15 ALBURY-WODONGA DEVELOPMENT AMENDMENT BILL 1991: Ms Fatin (Minister for Local Government), pursuant to notice, presented a Bill for an Act to amend the *Albury-Wodonga Development Act 1973*.

Bill read a first time.

Ms Fatin moved—That the Bill be now read a second time.

Paper: Ms Fatin presented an explanatory memorandum to the Bill.

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

16 POSTPONEMENT OF NOTICE: Ordered—That notice No. 5, government business, be postponed until the next sitting.

17 CUSTOMS TARIFF AMENDMENT BILL 1991: Mr Beddall (Minister for Small Business and Customs) presented a Bill for an Act to amend the *Customs Tariff Act 1987*.

Bill read a first time.

Mr Beddall moved—That the Bill be now read a second time.

Papers: Mr Beddall presented an explanatory memorandum to the Bill and a summary of amendments.

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

18 CUSTOMS TARIFF (URANIUM CONCENTRATE EXPORT DUTY) AMENDMENT BILL 1991: Mr Beddall (Minister for Small Business and Customs) presented a Bill for an Act to amend the *Customs Tariff (Uranium Concentrate Export Duty) Act 1980*, and for related purposes.

Bill read a first time.

Mr Beddall moved—That the Bill be now read a second time.

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

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

- 19 MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:

13 March 1991—Message—

No. 182—Marine Navigation (Regulatory Functions) Levy 1991 (*without requests*).

No. 183—Marine Navigation (Regulatory Functions) Levy Collection 1991.

No. 184—Primary Industries Legislation Amendment 1991.

- 20 MESSAGE FROM THE SENATE—EMPLOYMENT, EDUCATION AND TRAINING AMENDMENT BILL 1991:** The following message from the Senate was reported:

Message No. 181

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Employment, Education and Training 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.

KERRY SIBRAA
President

The Senate,

Canberra, 12 March 1991

Ordered—that the amendments be taken into consideration, in committee of the whole House, at the next sitting.

- 21 MESSAGE FROM THE SENATE—JOINT SELECT COMMITTEE ON CERTAIN ASPECTS OF THE OPERATION AND INTERPRETATION OF THE FAMILY LAW ACT:** The following message from the Senate was reported:

Message No. 180

Mr Speaker,

The Senate transmits to the House of Representatives the following resolution which was agreed to by the Senate this day:

- (1) That a joint select committee, to be known as the Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act, be appointed to inquire into and report on the provisions and operation of the *Family Law Act 1975* and, where the committee thinks appropriate and necessary, make such recommendations for amendments to the Family Law Act and other action in respect of:
 - (a) the role, funding, effectiveness and availability of the services of:
 - (i) the Family Court Counselling Service, and
 - (ii) approved organisations providing marriage counselling and family mediation services;
 - (b) the proper resolution of custody, guardianship, welfare and access disputes;
 - (c) the proper resolution of family law property disputes, including the question whether it is desirable that the Family Law Act be extended to property disputes arising out of de facto relationships;
 - (d) the effective enforcement of rights and duties under the Family Law Act;
 - (e) the exercise of discretion by the courts, including the question whether it is desirable to better structure the exercise of the

- discretion of the courts in making orders determining disputes in relation to children or property;
- (f) the adversarial nature of proceedings under the Family Law Act and their associated legal costs, including the question whether amendments to the Act or other action are desirable to require or encourage greater use of arbitration, mediation or other forms of alternative dispute resolution;
- (g) the prohibition in the Family Law Act on the publication of accounts of proceedings which identify parties, witnesses or other persons associated with the proceedings; and
- (h) the retiring age for judges of the Family Court of Australia.
- (2) That in its inquiry the committee may at its discretion examine such previous enquiries, recommendations and evidence the committee thinks relevant.
- (3) That the committee consist of 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority groups or independent Senators.
- (4) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (5) That the committee elect a member nominated by the Government Whips or the Leader of the Government in the Senate as its chairman.
- (6) That the committee elect a deputy chairman who shall act as chairman of the committee at any time when the chairman is not present at a meeting of the committee, and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to act as chairman at that meeting.
- (7) That, in the event of the votes on a question before the committee being equally divided, the chairman, or the deputy chairman when acting as chairman, have a casting vote.
- (8) That 5 members of the committee constitute a quorum of the committee.
- (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (10) That the committee appoint the chairman of each subcommittee who shall have a casting vote only, and at any time when the chairman of a subcommittee is not present at a meeting of a subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chairman at that meeting only.
- (11) That the quorum of a subcommittee be a majority of the members of that subcommittee.
- (12) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (13) That the committee and a subcommittee have power to send for persons and documents.

- (14) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the Speaker.
- (15) That the committee and a subcommittee have power to move from place to place, to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (16) That the committee report to each House of the Parliament by the first sitting week in August 1992.
- (17) That the committee have leave to report from time to time.

The Senate requests the concurrence of the House of Representatives in this resolution.

KERRY SIBRAA
President

The Senate,
Canberra, 12 March 1991

Ordered—That the message be taken into consideration forthwith.

Mr Baldwin (Minister for Higher Education and Employment Services) moved—That this House concurs in the resolution transmitted in Senate message No. 180 of 12 March 1991 relating to the appointment of a Joint Select Committee on Certain Aspects of the Operation and Interpretation of the Family Law Act.

Debate ensued.

Question—put and passed.

22 ANTARCTIC MINING PROHIBITION BILL 1991: 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.

The House resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

The House resumed; Mrs Sullivan reported accordingly.

On the motion of Mrs Kelly (Minister for the Arts, Sport, the Environment, Tourism and Territories), the House adopted the report, and, by leave, the Bill was read a third time.

23 HIGHER EDUCATION FUNDING AMENDMENT BILL 1991: 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 by Dr Kemp who 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 deplores the Government’s continued mismanagement of higher education, and, in particular, it deplores the Government’s failure to provide the sector with the flexibility and incentives it needs to address the academic staff shortage, and to provide for adequate opportunities to meet the diverse educational needs of students”.

Debate continued.

Dr Catley addressing the House—

24 ADJOURNMENT: It being 7.30 p.m.—The question was proposed—That the House do now adjourn.
Debate ensued.

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

Lotteries Gaming and Betting Act [Victoria]—Copies of authorities (2), letters (10), minutes (4) and note from the files of the Victorian Department of Sport and Recreation.

Debate continued.

Question—put and passed.

And then the House, at 8 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS: The following papers were deemed to have been presented on 13 March 1991:

Australian Capital Territory (Planning and Land Management) Act—Proclamation, under section 57, that the National Capital Plan sufficiently covers the Australian Capital Territory and that the transition period ends on 12 March 1991.

Defence Act—Determinations under section 58B—1991—

No. 7—Loss on sale of motor vehicle on posting overseas.

No. 10—Emergency evacuation.

ATTENDANCE: All Members attended (at some time during the sitting) except Dr Blewett, Mr Lindsay and Mr Lloyd.

A. R. BROWNING
Clerk of the House of Representatives