

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 55

TUESDAY, 9 APRIL 1991

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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 **DEATH OF THE RIGHT HONOURABLE SIR JOHN KERR:** Mr Hawke (Prime Minister) referred to the death of the Right Honourable Sir John Kerr, and moved—That this House expresses its deep regret at the death, on 24 March 1991, of the Right Honourable Sir John Robert Kerr, AK, GCMG, GCVO, QC, a former Governor-General of the Commonwealth of Australia from 1974 to 1977 and Chief Justice of New South Wales from 1972 to 1974, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.
And Dr Hewson (Leader of the Opposition) having seconded the motion, and Mr Keating (Deputy Prime Minister), Mr T. A. 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.
 - 3 **DEATH OF THE RIGHT HONOURABLE VISCOUNT DE L'ISLE:** Mr Hawke (Prime Minister) referred to the death of the Right Honourable Viscount De L'Isle, and moved—That this House expresses its deep regret at the death of the Right Honourable Viscount De L'Isle, VC, KG, GCMG, GCVO, a former Governor-General of the Commonwealth of Australia from 1961 to 1965, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.
And Dr Hewson (Leader of the Opposition) having seconded the motion, and Mr T. A. 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.
 - 4 **APPOINTMENT OF CLERK OF THE HOUSE:** Mr Speaker informed the House that Mr L. M. Barlin had been appointed Clerk of the House from 23 March 1991.
 - 5 **MINISTERIAL ARRANGEMENTS:** Mr Hawke (Prime Minister) informed the House that, during the absence abroad of Mr Beazley (Minister for Transport and Communications), Mr R. J. Brown (Minister for Land Transport) was acting as Minister for Transport and Communications.

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

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

Audit Act—Auditor-General—Audit report No. 21 of 1990-91—Department of Administrative Services: Australian Government Analytical Laboratories.

Mr Humphreys (Minister for Veterans' Affairs), 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. 21 of 1990-91; and

(2) the report be printed.

Question—put and passed.

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

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for period 5 March to 30 June 1990.

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

Lloyd James Boney.

David John Gundy.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Financing the Australian Capital Territory—4th Report (1991).

Criminology Research Act—Australian Institute of Criminology—18th Report and financial statements, including the Auditor-General's Report, for 1989-90.

States Grants (Schools Assistance) Act 1988—Reports—

Application of financial assistance granted to non-government schools in respect of 1989.

Financial assistance granted to each State in respect of 1989.

Telecommunications (Interception) Act—Report pursuant to Division 2 of Part IX for 1989-90.

9 **TELECOMMUNICATIONS (INTERCEPTION) ACT—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Humphreys (Minister for Veterans' Affairs) moved—That the House take note of the following paper:

Telecommunications (Interception) Act—Report pursuant to Division 2 of Part IX for 1989-90.

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

10 **STATES GRANTS (SCHOOLS ASSISTANCE) ACT 1988—REPORT ON FINANCIAL ASSISTANCE—MOTION TO TAKE NOTE OF PAPER:** Mr Humphreys (Minister for Veterans' Affairs) moved—That the House take note of the following paper:

States Grants (Schools Assistance) Act 1988—Report on financial assistance granted to each State in respect of 1989.

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

11 **STATES GRANTS (SCHOOLS ASSISTANCE) ACT 1988—REPORT ON THE APPLICATION OF FINANCIAL ASSISTANCE GRANTED TO NON-GOVERNMENT SCHOOLS—MOTION TO TAKE NOTE OF PAPER:** Mr

Humphreys (Minister for Veterans' Affairs) moved—That the House take note of the following paper:

States Grants (Schools Assistance) Act 1988—Report on the application of financial assistance granted to non-government schools in respect of 1989.

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

- 12 **ABORIGINAL DEATHS IN CUSTODY—ROYAL COMMISSION—REPORTS—PUBLICATION OF PAPERS:** Mr Humphreys (Minister for Veterans' Affairs), by leave, moved—That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the report of the Royal Commission into Aboriginal Deaths in Custody of the inquiry into the death of—

Lloyd James Boney.

David John Gundy.

Question—put and passed.

- 13 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIME MINISTER'S LEADERSHIP:** The House was informed that Dr Hewson (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The consistent failure of the Prime Minister to exercise leadership and discipline over his Ministry in the face of Australia's current economic crisis".

The proposed discussion having received the necessary support—

Dr Hewson addressed the House.

Discussion ensued.

Discussion concluded.

- 14 **MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS:** Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

20 March 1991—Message No. 110—

Primary Industries and Energy Legislation Amendment 1991.

Insurance Amendment 1991.

21 March 1991—Message No. 111—

Arts, Sport, Environment, Tourism and Territories Legislation Amendment 1991.

Companies (Insolvency Assistance) Amendment 1991.

Immigration (Education) Amendment 1991.

Pig Slaughter Levy Amendment 1991.

27 March 1991—Message—

No. 112—

Family Law Amendment 1991.

Loan 1991.

Primary Industries Legislation Amendment 1991.

No. 113—

Marine Navigation (Regulatory Functions) Levy 1991.

Marine Navigation (Regulatory Functions) Levy Collection 1991.

Australian Horticultural Corporation Amendment 1991.

No. 114—

Antarctic Mining Prohibition 1991.

Meat Chicken Levy Amendment 1991.

- 15 **CUSTOMS TARIFF AND EXCISE TARIFF PROPOSALS:** Mr Beddall (Minister for Small Business and Customs) moved—

Customs Tariff Proposals Nos. 3 and 4 (1991); and

Excise Tariff Proposal No. 1 (1991).

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

- 16 **REDEVELOPMENT OF BORNEO BARRACKS, CABARLAH, QLD—APPROVAL OF WORK:** Mr Beddall (Minister representing the Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Redevelopment of Borneo Barracks, Cabarlah, Qld.

Question—put and passed.

- 17 **EMPLOYMENT, EDUCATION AND TRAINING AMENDMENT BILL 1991—SENATE'S AMENDMENTS:** The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—After clause 1, page 1, insert the following clause:

Reports

“1A. Section 9 of the Principal Act is amended by omitting from subsection (8) ‘15 sitting days’ and substituting ‘5 sitting days’.”.

No. 2—Clause 2, page 1, at end of clause, add the following subclause:

“(2) Section 25 of the Principal Act is amended by omitting from subsection (3) ‘15 sitting days’ and substituting ‘5 sitting days’.”.

On the motion of Mr Baldwin (Minister for Higher Education and Employment Services), the amendments were disagreed to, after debate.

Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

On the motion of Mr Baldwin, the House adopted the report.

Mr Baldwin moved—That Mr Gear, Mr H. F. Woods and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to the amendments of the Senate.

Question—put and passed.

Mr Baldwin, on behalf of the committee, brought up such reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to the new clause and amendment of the Senate

The new clause and amendment made by the Senate are not acceptable because:

(1) The standard time allowed for tabling annual or periodic reports of departments and statutory bodies is 15 sitting days from the date of receipt of reports by the Minister. There is no reason why an exception should be made in the case of reports of the National Board of Employment, Education and Training and the Higher Education Council.

(2) Logistically, it would often not be possible for reports to be printed within the reduced tabling period proposed.

On the motion of Mr Baldwin, the committee's reasons were adopted.

- 18 **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—*And on the amendment moved thereto by Dr Kemp, viz.*—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 resumed.

Amendment negated.

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

Message from the Governor-General: Message No. 115, dated 6 March 1991, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Baldwin (Minister for Higher Education and Employment Services), the Bill was read a third time.

19 STATES GRANTS (TAFE ASSISTANCE) 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:

- (1) failure to consider adequately the role of TAFE in its reform of the higher education sector;
- (2) failure to take adequate steps to encourage the development of an open and flexible training market; and
- (3) neglect of the warning of the Training Costs Review Committee that training must not become excessively burdened with the rigidities of the industrial relations system”.

Amendment negated.

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

Message from the Governor-General: Message No. 116, dated 6 March 1991, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Baldwin (Minister for Higher Education and Employment Services), the Bill was read a third time.

20 OCCUPATIONAL SUPERANNUATION LAWS 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.

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

21 ADJOURNMENT: Mr Simmons (Minister for the Arts, Tourism and Territories) moved—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 10 a.m.

PAPERS: The following papers were deemed to have been presented on 9 April 1991:

Aboriginal Land Rights (Northern Territory) Act—Regulations—Statutory Rules 1991, No. 38.

Acoustic Laboratories Act—Regulations—Statutory Rules 1991, No. 39.

Australian National University Act—Statute—No. 214—Courses and Degrees Amendment No. 1.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1991, No. 57.

Beef Production Levy Act—Regulations—Statutory Rules 1991, No. 51.

Cattle Export Charge Act—Regulations—Statutory Rules 1991, No. 52.

Cattle Transaction Levy Act—Regulations—Statutory Rules 1991, No. 50.

Christmas Island Act—Ordinances—1991—

No. 1—Workers' Compensation (Amendment).

No. 2—Electricity (Amendment).

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Orders—

Part 20—Amendment, dated 28 March 1991.

Part 40—Amendment, dated 28 March 1991.

Part 82—Amendment, dated 28 March 1991.

Part 100—Amendment, dated 28 March 1991.

Part 101—Amendment, dated 28 March 1991.

Part 105—Amendments, dated 11 and 26 March 1991 and 2 April 1991 (4).

Part 106—Amendment, dated 11 March 1991.

Part 107—Amendment, dated 11 March 1991.

Regulations—Statutory Rules 1991, No. 54.

Commonwealth Banks Act—Regulations—Statutory Rules 1991, Nos. 55, 56.

Defence Act—

Defence Force Remuneration Tribunal—Determinations—1991—Nos. 1, 2, 3.

Determination under section 52—1991—No. 1—Defence Force (Superannuation Interim Arrangement) Amendment.

Determinations under section 58B—1991—

No. 12—Rates for use of motor vehicles and other allowances.

No. 15—Club allowance.

No. 16—Rates of Travelling Allowance—Turkey and other allowances.

No. 17—Transfer allowance.

No. 18—Rates of Travelling Allowance—Syria and other allowances.

No. 19—Rates for use of motor vehicles and other allowances.

No. 20—Rates of Travelling Allowance—The Republic of the Marshall Islands and other allowances.

No. 21—Rates of Travelling Allowance—Pakistan and other allowances.

No. 24—Rates for use of motor vehicles and other allowances.

No. 25—Rates of Travelling Allowance—Bahrain and other allowances.

No. 26—Rates of Travelling Allowance—Oman and other allowances.

No. 27—Rates of Travelling Allowance—United Arab Emirates and other allowances.

No. 28—Rates of Travelling Allowance—Mexico and other allowances.

No. 29—Temporary Rental Allowance.

No. 30—Rent and utilities contribution.

No. 31—Rate of Overseas Vehicle Allowance and other allowances.

No. 32—Rates of Travelling Allowance—Spain and other allowances.

No. 33—Rates of Travelling Allowance—France and other allowances.

No. 34—Rates of Travelling Allowance—Greece and other allowance.

No. 35—Household maintenance and assistance allowance.

- Export Market Development Grants Act—Regulations—Statutory Rules 1991, No. 45.
- Extradition Act—Regulations—Statutory Rules 1991, No. 36.
- Grain Legumes Levy Act—Regulations—Statutory Rules 1991, No. 47.
- International Organizations (Privileges and Immunities) Act—Regulations—Statutory Rules 1991, No. 42.
- Live-stock Export Charge Act—Regulations—Statutory Rules 1991, No. 49.
- Live-stock Slaughter Levy Act—Regulations—Statutory Rules 1991, No. 48.
- Migration Act—Regulations—Statutory Rules 1991, Nos. 37, 43.
- National Health Act—
 Pharmaceutical Benefits—Declarations—1991—Nos. PB2, PB3.
 Regulations—Statutory Rules 1991, Nos. 40, 41.
- Occupational Superannuation Standards Act—Regulations—Statutory Rules 1991, No. 58.
- Petroleum Retail Marketing Sites Act—Regulations—Statutory Rules 1991, No. 46.
- Privacy Act—Public Interest Determination—Notice of revocation, dated 7 March 1991.
- Public Service Act—
 Determinations—1991—Nos. 122, 123, 124, 125, 126, 127, 128, 129, 130, 131.
 Parliamentary Presiding Officers' Determinations—
 1990—Nos. 29, 30, 31.
 1991—Nos. 1, 4, 5, 6.
- Remuneration Tribunal Act—Remuneration Tribunal—
 Determination—1991/1—Member, Commonwealth Superannuation Board.
 Regulations—Statutory Rules 1991, No. 44.
- Seat of Government (Administration) Act—Notice of variation of plan of layout of City of Canberra and its environs—1989/1—Item 1.
- Ships (Capital Grants) Act—Regulations—Statutory Rules 1991, No. 53.
- States Grants (Petroleum Products) Act—Amendments of the schedules to the subsidy schemes in relation to New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania and the Northern Territory, dated 21 March 1991.
- Superannuation Act 1976*—Determination under subsection 238(1)—No. 1—Superannuation (CSS) Period.
- Superannuation Act 1990*—Declaration—Statutory Rules 1991, No. 34.
- Superannuation Benefits (Supervisory Mechanisms) Act—Determination—1991—No. 2.
- Wool Marketing Act—Regulations—Statutory Rules 1991, No. 35.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Beazley, Mr Gorman and Mr Halverson.

L. M. BARLIN
 Clerk of the House of Representatives