

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 69

TUESDAY, 28 MAY 1991

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.

2 **RETURN TO WRIT—MENZIES DIVISION:** The Speaker announced that he had received a return to the writ which he had issued on 5 April 1991 for the election of a Member to serve for the electoral division of Menzies, in the State of Victoria, to fill the vacancy caused by the resignation of the Honourable Neil Anthony Brown, QC, and that, by the endorsement on the writ, it was certified that Kevin Andrews had been elected.

3 **OATH OF ALLEGIANCE BY MEMBER:** Kevin Andrews was introduced, and made and subscribed the oath of allegiance required by law.

4 **DEATH OF MR RAJIV GANDHI:** Mr Hawke (Prime Minister) referred to the death of Mr Rajiv Gandhi, and moved—that this House records its deep regret at the death, on 21 May 1991, of Rajiv Gandhi, former Prime Minister of India, expresses its deep sympathy to Mrs Sonia Gandhi and family, and to the people of India, in their bereavement, urges all Indians to respond to this outrage by strengthening their commitment to democracy, and requests that this motion be conveyed by the Speaker on behalf of the Australian Parliament to the Government of India.
 And Dr Hewson (Leader of the Opposition) having seconded the motion, and Mr Lloyd (Deputy 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.

5 **DEATH OF EMERITUS PROFESSOR MANNING CLARK:** Mr Hawke (Prime Minister) referred to the death of Emeritus Professor Manning Clark, and moved—that the House expresses its deep regret at the death, on 23 May 1991, of Emeritus Professor Manning Clark, AC, 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), and other Members having addressed the House in support thereof, and all Members present having risen, in silence—
 Question—passed.

6 **MINISTERIAL ARRANGEMENTS:** Mr Hawke (Prime Minister) informed the House that, during the absence abroad of Mr Howe (Minister for Community Services and Health), Mr Staples (Minister for Aged, Family and Health Services) was acting as Minister for Community Services and Health.

7 QUESTIONS: Questions without notice being asked—

Papers: Mr Hawke (Prime Minister) presented the following papers:

Political Broadcasts and Political Disclosures Bill 1991—Copies of—
Letter from Brian Burdekin, Federal Human Rights Commissioner, to Senator Bolkus, Minister for Administrative Services, dated 20 May 1991.

Minute from H. Burmester, Principal Adviser, Office of International Law, Attorney-General's Department, dated 27 May 1991.

Paper: Dr Hewson (Leader of the Opposition), by leave, presented the following paper:

Political Broadcasts and Political Disclosures Bill 1991—Copy of letter from Brian Burdekin, Federal Human Rights Commissioner, to Dr John Hewson, Leader of the Opposition, dated 28 May 1991.

Questions without notice continued.

8 PAPERS: The following papers were presented:

Audit Act—Auditor-General—Audit report No. 26 of 1990-91—Audit of Australian Wheat Board 1989-90.

Australian Agricultural Council—Resolutions—135th meeting, Nelson, New Zealand, 15 February 1991.

Australian Bicentennial Road Development Trust Fund Act—Australian Bicentennial Road Development Program—Final report, for 1988-89.

Australian Soil Conservation Council—Resolutions—6th meeting, Nelson, New Zealand, 15 February 1991.

Commonwealth Electoral Act—Australian Electoral Commission—Elections 1990—Election funding and financial disclosure—Report for elections held on 24 March 1990.

Employment, Education and Training—Standing Committee—Report—The restless years: An inquiry into Year 12 retention rates—Government response, dated May 1991.

9 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—Elections 1990—Election funding and financial disclosure—Report for elections held on 24 March 1990.

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

10 EMPLOYMENT, EDUCATION AND TRAINING—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:

Employment, Education and Training—Standing Committee—Report—The restless years: An inquiry into Year 12 retention rates—Government response, dated May 1991.

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

11 AMNESTY INTERNATIONAL—MINISTERIAL STATEMENT: Mr Hawke (Prime Minister), by leave, made a ministerial statement relating to the 30th anniversary of the foundation of Amnesty International.

Dr Hewson (Leader of the Opposition), by leave, also made a statement on the matter.

12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIAN AGRICULTURE: The House was informed that Mr Lloyd (Deputy Leader of the National Party of Australia) had proposed that a definite matter of

public importance be submitted to the House for discussion, namely, "The need for the Government to address the real problems facing Australian agriculture".

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

Discussion ensued.
Discussion concluded.

13 MESSAGES FROM THE ADMINISTRATOR—ASSENT TO BILLS: Messages from His Excellency the Administrator were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

20 May 1991—Message—

No. 135—Albury-Wodonga Development Amendment 1991.
No. 136—Superannuation Supervisory Levy 1991.

14 SELECTION COMMITTEE—AMENDED REPORT: Mr R. F. Edwards (Chairman) presented the following report:

Selection Committee—Amended report relating to the program of business prior to 12.30 p.m. on Thursday, 30 May 1991—
and, by leave, moved—That the report be adopted in lieu of the report presented on 16 May 1991.

Question—put and passed.

15 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ADJOURNMENT, NEW BUSINESS AND BILLS—LIMITATION OF DEBATE: Mr Beazley (Leader of the House), pursuant to notice, moved—That:

(1) sessional order 48A (adjournment of House) and standing order 103 (11 o'clock rule) be suspended for the sittings this week; and
(2) in relation to the proceedings on the following Bills, so much of the standing and sessional orders be suspended as would prevent the Leader of the House making one declaration of urgency and moving one motion for the allotment of time in respect of all the Bills:

Telecommunications Bill 1991;

Telecommunications (Transitional Provisions and Consequential Amendments) Bill 1991;

Telecommunications (Application Fees) Bill 1991;

Telecommunications (Carrier Licence Fees) Bill 1991;

Telecommunications (Numbering Fees) Bill 1991;

Telecommunications (Universal Service Levy) Bill 1991;

Australian and Overseas Telecommunications Corporation Bill 1991;

Political Broadcasts and Political Disclosures Bill 1991;

Customs Amendment Bill 1991;

Export Control Amendment Bill 1991;

National Food Authority Bill 1991;

Veterans' Entitlements (Rewrite) Transition Bill 1991;

National Health Amendment Bill 1991;

Australian National University Bill 1991; and

University of Canberra Amendment Bill 1991.

Debate ensued.

Question—put and passed.

16 DECLARATION OF BILLS AS URGENT BILLS—LIMITATION OF DEBATE: Mr Beazley (Leader of the House) declared that the Telecommunications Bill 1991, Telecommunications (Transitional Provisions and Consequential Amendments) Bill 1991, Telecommunications (Application Fees) Bill 1991, Telecommunications (Carrier Licence Fees) Bill 1991, Telecommunications (Numbering Fees) Bill 1991, Telecommunications (Universal Service Levy) Bill 1991, Australian and Overseas Telecommunications Corporation Bill

1991, Political Broadcasts and Political Disclosures Bill 1991, Customs Amendment Bill 1991, Export Control Amendment Bill 1991, National Food Authority Bill 1991, Veterans' Entitlements (Rewrite) Transition Bill 1991, National Health Amendment Bill 1991, Australian National University Bill 1991 and University of Canberra Amendment Bill 1991 were urgent Bills.

Question—That the Bills be considered urgent Bills—put.

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

AYES, 70

Mr Baldwin	Mr Duffy	Mr Jenkins	Mr Punch
Mr Beazley	Mr Duncan	Mr Johns	Mr Sawford
Mr Beddall	Mr R. F. Edwards	Mrs Kelly	Mr Scholes
Mr Bevis	Mr Elliott	Mr Kerin	Mr Sciacca
Mr Bilney	Ms Fatin	Mr Kerr	Mr J. L. Scott
Dr Blewett	Mr Ferguson	Mr Langmore	Mr L. J. Scott
Mr Brereton	Mr Fitzgibbon	Mr Lavarch	Mr Snow
Mr R. J. Brown	Mr Free	Mr Lee	Mr Snowdon
Mr Campbell	Mr Gayler	Mr Lindsay	Mr Staples
Dr Catley	Mr Gear*	Ms McHugh	Dr Theophanous
Dr Charlesworth	Mr Gibson	Mr Martin	Mr Tickner
Mr Courtice	Mr Grace*	Mr Melham	Mr Walker
Ms Crawford	Mr Griffiths	Mr A. A. Morris	Mr West
Mr Crean	Mr Hand	Mr P. F. Morris	Mr Willis
Mrs Crosio	Mr Holding	Mr Newell	Mr H. F. Woods
Mrs Darling	Mr Hollis	Mr O'Keefe	Mr Wright
Mr Dawkins	Mr Hulls	Mr O'Neil	
Mr Dubois	Mrs Jakobsen	Mr Price	

NOES, 62

Mr Aldred	Mr Connolly	Dr Kemp	Mr B. C. Scott
Mr Anderson	Mr Costello	Mr Lloyd	Mr Shack
Mr J. N. Andrew*	Mr Cowan	Mr McArthur	Mr Sharp
Mr K. J. Andrews	Mr Downer	Mr McGauran	Mr Sinclair
Mr Atkinson	Mr Fife	Mr Mack	Mr Smith
Mrs Bailey	Mr Filing	Mr McLachlan	Mr Somlyay
Mr Beale	Mr P. S. Fisher	Mr Miles	Mr Sullivan
Mr Bradford	Mr Ford	Mr Moore	Mr Taylor
Mr Braithwaite	Mr Gallus	Mr Nehl	Mr Truss
Mr Broadbent	Mr Goodluck	Mr Nugent	Mr Tuckey
Mr Burr	Mr Hall	Mr Prosser	Mr Webster
Mr Cadman	Mr Halverson	Mr Reid	Mr Wilson
Mr Cameron	Mr Hawker	Mr Reith	Dr R. L. Woods
Mr Carlton	Mr Hicks*	Mr Riggall	Dr Wooldridge
Mr Charles	Mr Howard	Mr Rocher	
Mr Cobb	Mr Jull	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

Allotment of time: Mr Beazley then moved—That the time allotted in connection with the Bills be as follows:

- (1) Telecommunications Bill—For the remaining stages, until 10.10 a.m. on Wednesday, 29 May.
- (2) Telecommunications (Transitional Provisions and Consequential Amendments) Bill—For the remaining stages, until 10.15 a.m. on Wednesday, 29 May.
- (3) Telecommunications (Application Fees) Bill—For the remaining stages, until 10.20 a.m. on Wednesday, 29 May.
- (4) Telecommunications (Carrier Licence Fees) Bill—For the remaining stages, until 10.25 a.m. on Wednesday, 29 May.
- (5) Telecommunications (Numbering Fees) Bill—For the remaining stages, until 10.30 a.m. on Wednesday, 29 May.
- (6) Telecommunications (Universal Service Levy) Bill—For the remaining stages, until 10.35 a.m. on Wednesday, 29 May.

(7) Australian and Overseas Telecommunications Corporation Bill—For the remaining stages, until 10.40 a.m. on Wednesday, 29 May.

(8) Veterans' Entitlements (Rewrite) Transition Bill—For the remaining stages, until 11.20 a.m. on Wednesday, 29 May.

(9) Customs Amendment Bill—For the remaining stages, until midday on Wednesday, 29 May.

(10) National Health Amendment Bill—For the remaining stages, until 12.45 p.m. on Wednesday, 29 May.

(11) Export Control Amendment Bill—For the remaining stages, until 5.45 p.m. on Wednesday, 29 May.

(12) National Food Authority Bill—For the remaining stages, until 8.30 p.m. on Wednesday, 29 May.

(13) Political Broadcasts and Political Disclosures Bill—For the remaining stages, until 11 p.m. on Thursday, 30 May.

(14) Australian National University Bill—
 (a) For the second reading, until 11.30 p.m. on Thursday, 30 May;
 (b) For the committee stage, until 11.35 p.m. on Thursday, 30 May;
 (c) For the remaining stages, until 11.40 p.m. on Thursday, 30 May.

(15) University of Canberra Amendment Bill—
 (a) For the second reading, until 11.45 p.m. on Thursday, 30 May;
 (b) For the committee stage, until 11.50 p.m. on Thursday, 30 May;
 (c) For the remaining stages, until 11.55 p.m. on Thursday, 30 May.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mrs Sullivan, in the Chair)—

AYES, 70

Mr Baldwin	Mr Duffy	Mr Jenkins	Mr Punch
Mr Beazley	Mr Duncan	Mr Johns	Mr Sawford
Mr Beddall	Mr R. F. Edwards	Mr Kelly	Mr Scholes
Mr Bevis	Mr Elliott	Mr Kerin	Mr Sciacca
Mr Bilney	Ms Fatin	Mr Kerr	Mr J. L. Scott
Dr Blewett	Mr Ferguson	Mr Langmore	Mr L. J. Scott
Mr Brereton	Mr Fitzgibbon	Mr Lavarch	Mr Snow
Mr R. J. Brown	Mr Free	Mr Lee	Mr Snowdon
Mr Campbell	Mr Gayler	Mr Lindsay	Mr Staples
Dr Catley	Mr Gear*	Ms McHugh	Dr Theophanous
Dr Charlesworth	Mr Gibson	Mr Martin	Mr Tickner
Mr Courtice	Mr Grace*	Mr Melham	Mr Walker
Ms Crawford	Mr Griffiths	Mr A. A. Morris	Mr West
Mr Crean	Mr Hand	Mr P. F. Morris	Mr Willis
Mrs Crosio	Mr Holding	Mr Newell	Mr H. F. Woods
Mrs Darling	Mr Hollis	Mr O'Keefe	Mr Wright
Mr Dawkins	Mr Hulls	Mr O'Neil	
Mr Dubois	Mrs Jakobsen	Mr Price	

NOES, 64

Mr Aldred	Mr Cobb	Mr Howard	Mr Riggall
Mr Anderson	Mr Connolly	Mr Jull	Mr Rocher
Mr J. N. Andrew*	Mr Costello	Dr Kemp	Mr Ronaldson
Mr K. J. Andrews	Mr Cowan	Mr Lloyd	Mr B. C. Scott
Mr Atkinson	Mr Dobie	Mr McArthur	Mr Shack
Mrs Bailey	Mr Downer	Mr McGauran	Mr Sharp
Mr Beale	Mr Fife	Mr Mack	Mr Sinclair
Mr Bradford	Mr Filing	Mr MacKellar	Mr Smith
Mr Braithwaite	Mr P. S. Fisher	Mr McLachlan	Mr Somlyay
Mr Broadbent	Mr Ford	Mr Miles	Mr Taylor
Mr Burr	Mrs Gallus	Mr Moore	Mr Truss
Mr Cadman	Mr Goodluck	Mr Nehl	Mr Tuckey
Mr Cameron	Mr Hall	Mr Nugent	Mr Webster
Mr Carlton	Mr Halverson	Mr Prosser	Mr Wilson
Mr Chaney	Mr Hawker	Mr Reid	Dr R. L. Woods
Mr Charles	Mr Hicks*	Mr Reith	Dr Wooldridge

* Tellers

And so it was resolved in the affirmative.

17 **TELECOMMUNICATIONS 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 Mr Smith 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:

- (1) condemns the Government’s failure to allow reasonable time for consideration of the measure; and
- (2) condemns the Government for choosing structural arrangements in telecommunications which do not satisfy the requirements for full micro-economic reform, noting that the Bill:
 - (a) lacks clarity in important areas;
 - (b) leaves significant detail for determination by regulation; and
 - (c) fails to provide for a sufficient degree of independence from Government for Austel;

all of which factors have the potential to compromise further the development of the truly competitive telecommunications sector required to deliver the promised benefits to consumers and to the Australian economy at large”.

Ordered—That Mr Smith be granted an extension of time.

Debate continued.

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

18 **ADJOURNMENT:** Mr Beazley (Leader of the House) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.59 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 28 May 1991:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for the collection of information—1991—

No. 8—Monthly collections of lending commitments by financial institutions.

No. 9—Monthly collection of housing finance commitments by financial institutions.

No. 10—Topic to be included as a supplement to the monthly labour force survey: Telephone connections—August 1991.

No. 11—Survey of motor vehicle use.

Australian Meat and Live-stock Corporation Act—Regulations—Statutory Rules 1991, No. 99.

Australian Telecommunications Corporation Act—Direction under subsection 45 (1), dated 30 April 1991.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—

Part 105—Amendments, dated 8 April 1991 and 17 May 1991 (8).

Part 106—Amendments, dated 8 April 1991 and 17 May 1991.

Part 107—Amendment, dated 17 May 1991.

Cocos (Keeling) Islands Act—Regulations—1991—No. 1 (Local Government Ordinance).

Dairy Produce Levy (No. 1) Act—Regulations—Statutory Rules 1991, No. 100.

Defence Act—Determinations under section 58B—1991—

No. 41—Rates of Travelling Allowance—Vietnam and other allowances.

No. 42—Household maintenance and assistance allowance.

No. 43—Rates of Travelling Allowance—Kuwait and Rates of In Port Allowance—Kuwait.

No. 48—Rebate of duty and taxes for petrol.

No. 49—Overseas Living Allowance.

Extradition Act—Regulations—Statutory Rules 1991, Nos. 94, 96.

Lands Acquisition Act—Statement of lands acquired by agreement authorised under subsection 125 (3).

Laying Chicken Levy Act—Regulations—Statutory Rules 1991, No. 101.

Live-stock Slaughter Levy Act—Regulations—Statutory Rules 1991, No. 102.

Meat Chicken Levy Act—Regulations—Statutory Rules 1991, No. 103.

Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 1991, No. 95.

National Health Act—Determinations—1991—Nos. BIT4, BIT5, BIT6.

Patents Act—Regulations—Statutory Rules 1991, No. 71.

Pig Slaughter Levy Act—Regulations—Statutory Rules 1991, No. 104.

Public Service Act—
Determinations—1991—Nos. 18, 19, 46, 47, 48, 49, 50, 51, 60, 61, 62, 135, 138, 147, 148, 149, 150, 151, LES 7, LES 11.

Parliamentary Presiding Officers' Determinations—1991—Nos. 10, 11.

Remuneration Tribunal Act—Regulations—Statutory Rules 1991, No. 98.

Seamen's Compensation Act—Regulations—Statutory Rules 1991, No. 106.

States Grants (TAFE Assistance) Act—Determinations—Nos. TAFE 1/91, TAFE 2/91, TAFE 3/91, TAFE 4/91, TAFE 5/91, TAFE 6/91, TAFE 7/91, TAFE 8/91, TAFE 9/91, TAFE 10/91, TAFE 11/91, TAFE 12/91, TAFE 13/91, TAFE 14/91, TAFE 15/91.

Superannuation Act 1976—Regulations—Statutory Rules 1991, No. 97.

Superannuation Act 1990—Declaration—Statutory Rules 1991, No. 107.

Wildlife Protection (Regulation of Exports and Imports) Act—Declaration under subsection 9 (1)—1991—No. 1.

Wool Marketing Act—Regulations—Statutory Rules 1991, No. 105.

ATTENDANCE: All Members attended (at some time during the sitting) except Dr H. R. Edwards, Mr T. A. Fischer, Mr Gorman*, Mr Howe, Mr Jones, Mr Peacock, Mr Ruddock and Mr Simmons.

* On leave

L. M. BARLIN
Clerk of the House of Representatives