

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES**VOTES AND PROCEEDINGS**

No. 129

WEDNESDAY, 27 MAY 1992

- 1 The House met, at 10 a.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
- 2 **WOOL TAX (NOS. 1 TO 5) AMENDMENT BILLS 1992:** The order of the day having been read for the resumption of the debate on the question—That the Bills be now read a second time—
Debate resumed.
Limitation of debate: At 10.40 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bills had expired—
Question—That the Bills be now read a second time—put and passed—Bills together read a second time.
Further question—That the remaining stages of the Bills be agreed to—put and passed—Bills together read a third time.
- 3 **WOOL TAX (ADMINISTRATION) AMENDMENT BILL 1992:** 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—
Question—put and passed—Bill read a second time.
Leave granted for third reading to be moved forthwith.
Mr Crean (Minister for Primary Industries and Energy) moved—That the Bill be now read a third time.
Debate ensued.
Limitation of debate: At 10.45 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—
Question—That the Bill be now read a third time—put and passed—Bill read a third time.
- 4 **PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1992:** 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 having been resumed by Mr Crean (Minister for Primary Industries and Energy)—
Limitation of debate: At 10.50 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—
Question—That the Bill be now read a second time—put and passed—Bill read a second time.
Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

5 TRANSPORT AND COMMUNICATIONS LEGISLATION AMENDMENT BILL (NO. 2) 1992: 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.

Limitation of debate: At 11.50 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

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

Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications), by leave, moved the following amendments together:

New clauses—

Page 4, after clause 13 insert the following new clauses:

Flying unregistered aircraft etc.

“**13A.** Section 20AA of the Principal Act is amended:

- (a) by omitting from paragraph (1)(a) ‘regulations’ and substituting ‘Regulations’;
- (b) by inserting in paragraph (4)(a) ‘that covers the duration of the flight’ after ‘Regulations’.

Offence related warrants

“**13B.** Section 32AF of the Principal Act is amended by inserting in paragraph (4)(b) ‘or’ after ‘night’ (first occurring).”

Page 17, after clause 43 insert the following new clauses:

Applications for general telecommunications licences and certain public mobile licences

“**43A.** Section 56 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

‘(1) An eligible corporation may apply to the Minister, in a manner and form approved by the Minister, for a general telecommunications licence.

‘(1A) An eligible corporation:

- (a) that is the holder of a public mobile licence that the corporation proposes to replace when the licence ceases to have effect; or

- (b) to whom it is sought to transfer such a licence under section 59;

may apply to the Minister, in a manner and form approved by the Minister, for a public mobile licence.’

“**43B.** After section 57 of the Principal Act, the following section is inserted:

Allocation system for certain public mobile licences

‘**57A.(1)** The Minister is to determine, in writing, an allocation system for the purpose of granting public mobile licences to eligible corporations, other than eligible corporations to which subsection 56(1A) applies.

‘(2) Without limiting the operation of subsection (1), an allocation system may:

- (a) provide, whether by means of a tendering process or otherwise, for the grantee of a licence under the allocation system to pay for the grant of the licence; and

(b) specify criteria to which the Minister is to have regard in considering whether or not to grant a licence under the allocation system.

‘(3) The Minister may vary or revoke a determination made under subsection (1).

‘(4) The Minister may grant, or refuse to grant, a public mobile licence to an eligible corporation, other than an eligible corporation to which subsection 56(1A) applies, in accordance with a system determined under subsection (1).

‘(5) The Minister must cause a copy of each licence to be laid before each House of the Parliament within 15 sitting days of that House after the licence is granted, but failure to do so does not affect the validity of a licence.’

Agreement with carrier about licences

“43C. Section 70 of the Principal Act is amended by inserting in paragraph (1)(a) ‘or 57A’ after ‘57’.

“43D. After Division 5 of Part 5 of the Principal Act, the following Division is inserted:

‘Division 5A—Collection and recovery of public mobile licence charge

Definition

‘87A. In this Division:

“charge” means the charge imposed by section 4 of the *Telecommunications (Public Mobile Licence Charge) Act 1992*.

When charge is payable

‘87B.(1) Subject to subsection (2), charge is to be paid at the time a public mobile licence is granted under section 57A.

‘(2) The Minister may determine, in writing, that charge is to be paid:

- (a) on a day determined by the Minister; or
- (b) in instalments of such amounts, payable at such times, as the Minister determines.

‘(3) The Minister may vary a determination made under subsection (2).

Unpaid charge is a debt due to Commonwealth

‘87C. An amount of charge that is payable but has not been paid may be recovered in a court of competent jurisdiction as a debt due to the Commonwealth.”.

Amendment—

Clause 45, page 17, lines 23 and 24, omit proposed paragraph (b), substitute the following paragraph:

- “(b) a person to whom, or in respect of whom, a pension or allowance is being paid under the *Veterans' Entitlements Act 1986* or the *Seamen's War Pensions and Allowances Act 1940*; or ”.

Paper: Mr Snowdon presented a supplementary explanatory memorandum to the Bill.

Debate continued.

Limitation of debate: At 11.55 a.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

Question—That the amendments be agreed to—put and passed.

Further question—That the Bill, as amended, be agreed to and the Bill be reported with amendments—put and passed.

The House resumed; Mr Dubois reported accordingly.

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

Mr Snowdon moved—That the Bill be now read a third time.

Debate ensued.

Limitation of debate: At midday, the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

6 TELECOMMUNICATIONS (PUBLIC MOBILE LICENCE CHARGE) BILL 1992:

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—

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications), the Bill was read a third time.

7 LOCAL GOVERNMENT (FINANCIAL ASSISTANCE) AMENDMENT BILL 1992:

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.

Limitation of debate: At 12.45 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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. 273, dated 14 May 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

8 MINISTERIAL CHANGES AND ARRANGEMENTS: Mr Keating (Prime Minister) informed the House that today His Excellency the Governor-General had made a number of changes to ministerial appointments. The Ministers and the offices they hold are as follows:

| Title | Minister | Representative in other Chamber |
|--|--|---------------------------------|
| *Prime Minister <i>Parliamentary Secretary to the Prime Minister</i> | The Hon. P. J. Keating, MP The Hon. Laurie Brereton, MP | Senator Button |
| *Minister for Health, Housing and Community Services <i>Minister Assisting the Prime Minister for Social Justice</i> <i>Minister Assisting the Prime Minister for Commonwealth-State Relations</i> | The Hon. Brian Howe, MP (Deputy Prime Minister) | Senator Tate |
| *Minister for Veterans' Affairs <i>Minister Assisting the Prime Minister for Northern Australia</i> | The Hon. Ben Humphreys, MP | Senator Tate |
| Minister for Aged, Family and Health Services <i>Parliamentary Secretary to the Minister for Health, Housing and Community Services</i> | The Hon. Peter Staples, MP The Hon. Gary Johns, MP | Senator Tate |

| Title | Minister | Representative in other Chamber |
|---|---|---------------------------------|
| *Minister for Industry, Technology and Commerce | Senator the Hon. John Button (Leader of the Government in the Senate) | Mr Free |
| Minister for Science and Technology <i>Minister Assisting the Prime Minister</i> | The Hon. Ross Free, MP | Senator Button |
| Minister for Small Business, Construction and Customs | The Hon. David Beddall, MP | Senator Button |
| *Minister for Foreign Affairs and Trade | Senator the Hon. Gareth Evans, QC (Deputy Leader of the Government in the Senate) | Mr Kerin |
| Minister for Trade and Overseas Development <i>Parliamentary Secretary to the Minister for Foreign Affairs and Trade</i> | The Hon. John Kerin, MP | Senator Evans |
| <i>The Hon. Stephen Martin, MP</i> | | |
| *Treasurer <i>Parliamentary Secretary to the Treasurer</i> | The Hon. J. S. Dawkins, MP <i>Senator the Hon. Bob McMullan</i> (Manager of Government Business in the Senate) | Senator Button |
| *Minister for Finance | The Hon. Ralph Willis, MP (Vice-President of the Executive Council) | Senator Button |
| *Attorney-General Minister for Justice <i>Minister Assisting the Minister for Immigration, Local Government and Ethnic Affairs</i> | The Hon. Michael Duffy, MP <i>Senator the Hon. Michael Tate</i> | Senator Tate Mr Duffy |
| Minister for Consumer Affairs <i>Parliamentary Secretary to the Attorney-General</i> | The Hon. Jeannette McHugh, MP <i>The Hon. Peter Duncan, MP</i> | Senator Tate |
| *Minister for Employment, Education and Training | The Hon. Kim C. Beazley, MP (Leader of the House) | Senator Cook |
| Minister for Higher Education and Employment Services <i>Minister Assisting the Treasurer</i> | The Hon. Peter Baldwin, MP | Senator Cook |
| Minister for Aboriginal and Torres Strait Islander Affairs <i>Minister Assisting the Prime Minister for Aboriginal Reconciliation</i> | The Hon. Robert Tickner, MP | Senator Collins |
| <i>Parliamentary Secretary to the Minister for Employment, Education and Training</i> | The Hon. Warren Snowden, MP | |
| *Minister for Social Security | The Hon. Neal Blewett, MP | Senator Bolkus |
| Minister for Family Support <i>Parliamentary Secretary to the Minister for Social Security</i> | The Hon. David Simmons, MP <i>The Hon. Con Sciacca, MP</i> | Senator Bolkus |
| *Minister for Defence | Senator the Hon. Robert Ray | Mr Bilney |
| Minister for Defence Science and Personnel <i>Parliamentary Secretary to the Minister for Defence</i> | The Hon. Gordon Bilney, MP <i>The Hon. Roger Price, MP</i> | Senator Ray |

| Title | Minister | Representative in other Chamber |
|---|---|---|
| *Minister for Immigration, Local Government and Ethnic Affairs <i>Minister Assisting the Prime Minister for Multicultural Affairs</i> | The Hon. Gerry Hand, MP | Senator Tate |
| Minister for Local Government | The Hon. David Simmons, MP | Senator Tate |
| *Minister for the Arts, Sport, the Environment and Territories Minister for the Arts and Territories <i>Minister Assisting the Prime Minister for the Status of Women</i> | The Hon. Ros Kelly, MP The Hon. Wendy Fatin, MP | Senator Collins Senator Collins |
| *Minister for Industrial Relations <i>Minister Assisting the Prime Minister for Public Service Matters</i> | Senator the Hon. Peter Cook | Mr Willis |
| *Minister for Administrative Services | Senator the Hon. Nick Bolkus | Mr Beddall |
| *Minister for Primary Industries and Energy Minister for Resources | The Hon. Simon Crean, MP The Hon. Alan Griffiths, MP | Senator Cook Senator Cook |
| *Minister for Tourism | The Hon. Alan Griffiths, MP | Senator Collins |
| *Minister for Transport and Communications Minister for Shipping and Aviation Support Minister for Land Transport | Senator the Hon. Bob Collins Senator the Hon. Peter Cook The Hon. Bob Brown, MP | Mr Beazley Mr Beazley Senator Collins |
| *Minister in the Cabinet | | |

9 PRIVILEGE—COMPLAINT OF BREACH: Mr K. J. Andrews raised a matter of privilege in connection with an article published in the *Sunday Age* of 10 May 1992 concerning Dr Theophanous, which Mr K. J. Andrews said was open to the interpretation that Dr Theophanous had been subject to possible interference and intimidation in the performance of his duties as a Member of Parliament.

Mr K. J. Andrews produced a copy of the article.

The Speaker stated that he would consider the matter and report to the House.

10 QUESTIONS: Questions without notice were asked.

11 PAPER: The following paper was presented:

Industry Commission Act—Industry Commission—Report No. 20—National procurement development program, 31 March 1992.

12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS SYSTEM: The House was informed that Mr Howard had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The intention of the Keating government to extend the industrial relations system prevailing in the building and construction industry and roundly condemned by the Gyles’ Royal Commission to the home building and other industries”.

The proposed discussion having received the necessary support—

Mr Howard addressed the House.

Discussion ensued.

Discussion concluded.

13 ABORIGINAL PEOPLE—25TH ANNIVERSARY OF REFERENDUM: Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), pursuant to notice, moved—That this House:

- (1) notes that today, 27 May 1992, is the 25th anniversary of the historic decision by the Australian people, voting in the referendum of 1967, to give the Commonwealth Government power to make laws about Aboriginal and Torres Strait Islander people and to include them in the national census;
- (2) affirms that 27 May 1967 marked a turning point in the development of the Australian nation and acknowledges that the task commenced in 1967 is an ongoing one;
- (3) reaffirms its commitment to the implementation of the Commonwealth's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody; and
- (4) reaffirms its commitment to the process of reconciliation and calls on all Australians to participate in this process.

Debate ensued.

Question—put and passed.

14 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—REFURBISHMENT OF THE RESERVE BANK OF AUSTRALIA, PERTH: Mr R. J. Brown (Minister for Land Transport), for 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*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Refurbishment of the Reserve Bank of Australia, Perth.

Mr R. J. Brown presented plans in connection with the proposed work.

Question—put and passed.

15 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORKS—DEFENCE LOGISTICS REDEVELOPMENT PROJECT: Mr R. J. Brown (Minister for Land Transport), for 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*, the following proposed works be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Defence Logistics Redevelopment Project—Defence National Storage and Distribution Centre and Air Force aspects.

Debate ensued.

Question—put and passed.

16 MIGRATION AMENDMENT BILL (NO. 3) 1992: Mr Hand (Minister for Immigration, Local Government and Ethnic Affairs) presented a Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

Bill read a first time.

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

Paper: Mr Hand presented an explanatory memorandum to the following Bills:

- Migration Amendment (No. 3) 1992.
- Migration Agents Registration (Application) Levy 1992.
- Migration Agents Registration (Renewal) Levy 1992.

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

17 MIGRATION AGENTS REGISTRATION (APPLICATION) LEVY BILL 1992: Mr Hand (Minister for Immigration, Local Government and Ethnic Affairs) presented a Bill for an Act to impose a levy on applications by individuals for registration as migration agents.

Bill read a first time.

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

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

- 18 MIGRATION AGENTS REGISTRATION (RENEWAL) LEVY BILL 1992:** Mr Hand (Minister for Immigration, Local Government and Ethnic Affairs) presented a Bill for an Act to impose a levy on renewals of individuals' registrations as migration agents.

Bill read a first time.

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

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

- 19 SOCIAL SECURITY LEGISLATION AMENDMENT BILL 1992:** 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 Connolly 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 condemns the Government for its failed economic policies which have caused massive social concern and record unemployment and calls on it to adopt the policies laid out in the Opposition's 'Fightback' plan which will rebuild Australia and enable Australian families to get back on their feet".

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 71

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

NOES, 65

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

* Tellers

And so it was resolved in the affirmative.

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

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. 274, dated 6 April 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

20 SOCIAL SECURITY (FAMILY PAYMENT) AMENDMENT BILL 1992: 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—

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

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. 275, dated 11 May 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

21 VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL 1992: 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 having been resumed by Mr T. A. Fischer (Leader of the National Party of Australia)—

Limitation of debate: At 6.10 p.m., the Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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. 276, dated 11 May 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

22 PRIVILEGE—STATEMENT BY SPEAKER: The Speaker referred to the matter of privilege raised earlier today by Mr K. J. Andrews concerning a

newspaper report relating to Dr Theophanous. The Speaker stated he had considered the matter and, at this stage, had not concluded that precedence should be accorded to a motion on it but he would consider any further information provided to him by Mr K. J. Andrews or Dr Theophanous.

- 23 DAIRY PRODUCE AMENDMENT BILL 1992:** 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.

Limitation of debate: At 8.35 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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. 277, dated 14 May 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

- 24 DAIRY PRODUCE LEVY (NO. 1) AMENDMENT BILL 1992:** 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 having been resumed by Mr McGauran—

Limitation of debate: At 8.40 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

- 25 HEALTH, HOUSING AND COMMUNITY SERVICES LEGISLATION AMENDMENT BILL 1992:** 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.

Limitation of debate: At 10.20 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

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. 278, dated 12 May 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 43, by leave, taken together.

Mr B. C. Scott, by leave, moved the following amendments together:

Proposed new clause—

Page 3, after clause 5 insert the following new clause:

“5A.(1) Section 5 of the Principal Act is repealed and the following section is substituted:

Guidelines

‘5.(1) The Minister may formulate guidelines to be complied with in the administration of this Act.

‘(2) A copy of the guidelines formulated under subsection (1) is to be laid before each House of the Parliament within 15 sitting days of

that House after the guidelines are formulated and the guidelines take effect only as provided by the following provisions of this section.

'(3) If:

- (a) notice of motion to amend the guidelines is given in either House of the Parliament within 15 sitting days after the guidelines have been laid before that House; and
- (b) the guidelines, whether or not as amended, are subsequently approved by that House; and
- (c) the other House approves the guidelines in the form approved by the first-mentioned House;

the guidelines take effect in the form so approved from the day on which that other House approves the guidelines in that form.

'(4) If no notice of a motion to amend the guidelines is given in the House of Representatives or the Senate within 15 sitting days of the particular House after the guidelines have been laid before that House, the guidelines take effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.'

"(2) Despite the amendment of the Principal Act made by subsection (1):

- (a) any principles and objectives to be further formulated by the Minister under section 5 of the Principal Act and in force immediately before the commencement of this section continue in force after the commencement of this section;
 - (b) any guidelines formulated by the Minister under section 5 of the Principal Act and in force immediately before the commencement of this section continue in force after the commencement of this section but cease to be in force:
 - (i) upon the first guidelines made by the Minister after the commencement of this section becoming of force and effect, whether with or without amendments; or
 - (ii) upon the expiration of 5 months after the commencement of this section;
- whichever first occurs.".

Amendments—

Clause 6—

Page 3, before paragraph (c) insert the following paragraph:

"(ca) by adding at the end of the definition of 'supported employment services' the following:

', including employment in work crews, small businesses, enclaves, individual supported jobs and sheltered workshops';".

Page 4, after the definition of "orders" insert the following definition:

"'staff training services' means services to provide resources and training for staff members, including voluntary workers, of eligible organisations who work with persons with disabilities;".

Page 4, at the end of paragraph (c), add the following definition:

"'vocational training services' means services to assist persons with a disability:

- (a) who have a need for a high level of support; and
- (b) who are unlikely to be able to obtain or retain paid employment without special training, in a business environment, in skills development and appropriate work behaviour and attitudes;

to develop and maintain vocational skills necessary for them to obtain and retain paid employment".

Proposed new clause—

Page 4, after clause 6 insert the following new clause:

Approval of services

“6A. Section 9 of the Principal Act is amended by adding at the end of subsection (2) the following paragraphs:

- ‘(k) staff training services;
- ‘(m) vocational training services’.”.

Amendments—

Clause 8, page 6, after paragraph (e) insert the following paragraphs:

“(ea) by adding at the end of paragraph (4)(c) ‘including terms and conditions with respect to matters specified in paragraph 5(a) to (h) (inclusive).’;

(eb) by omitting from subsection (5) all words preceding paragraph (a) and substituting ‘The terms and conditions that may be specified under paragraph (4)(c) are terms and conditions with respect to all or any of:’;

(ec) by inserting after ‘fulfilment of’ in paragraph (5)(g) ‘any specified’;”.

Clause 10, page 7, after paragraph (b) insert the following paragraphs:

“(ba) by adding at the end of paragraph (4)(c) ‘including terms and conditions with respect to matters specified in paragraphs (5)(a) to (h) (inclusive).’;

(bb) by omitting from subsection (5) all words preceding paragraph (a) and substituting ‘The terms and conditions that may be specified under paragraph (4)(c) are terms and conditions with respect to all or any of:’;

(bc) by inserting after ‘fulfilment of’ in paragraph (5)(f) ‘any specified’;”.

Clause 13—

Page 10, after paragraph (h) insert the following paragraphs:

“(ha) by adding at the end of paragraph (3)(c) ‘including terms and conditions with respect to matters specified in paragraphs (4)(a) to (h) (inclusive).’;

(hb) by omitting from subsection (4) all words preceding paragraph (a) and substituting ‘The terms and conditions that may be specified under paragraph (3)(c) are terms and conditions with respect to all or any of.’.”.

Page 10, after paragraph (i) insert the following paragraph:

“(ia) by inserting after ‘fulfilment of’ in paragraph (4)(g) ‘any specified’;”.

Clause 14—

Page 12, add at the end of proposed paragraph 14(7)(c) “including terms and conditions with respect to matters specified in paragraphs (8)(a) to (g) (inclusive).”.

Page 12, lines 14 and 15, omit from proposed subsection 14(8) all words preceding paragraph (a) and substitute “The terms and conditions that may be specified under paragraph (7)(c) are terms and conditions with respect to all or any of.”.

Page 12, line 23, after “fulfilment of” insert “any specified”.

Proposed new clause—

Page 17, after clause 17 insert the following new clause:

“17A. After section 16 of the Principal Act the following section is inserted in Division 4 of Part II:

Reviews of decisions under Part

“16A. (1) In subsection (2) “reviewable decision” means a decision (within the meaning of the *Administrative Appeals Tribunal Act 1975*) made:

(a) by the Minister, or a delegate of the Minister, under section 10, 12, 13 or 14; or

(b) by an officer of the Department in, or in connection with, the administration of this Part in relation to a member, or members,

of the target group or the making of a grant of financial assistance under this Part, including but without limiting the generality of the foregoing, the terms and conditions on which such a grant may be made.

(2) Applications may be made to the Administrative Appeals Tribunal for review of reviewable decisions.

(3) Decision of kinds referred to in paragraph (b) of the definition of 'reviewable decision' in subsection (1) are decisions to which the *Administrative Decisions (Judicial Review) Act 1977* applies.'".

Amendments—

Clause 24, page 20, line 9, omit paragraph (a), substitute the following paragraphs:

"(a) by omitting paragraph (1)(a);

(aa) by adding at the end of paragraphs (1)(b) and (c) 'and';".

Clause 25, page 20, omit the clause, substitute the following clause:

Approvals etc. to be in writing

"25. Section 32 of the Principal Act is amended by omitting 'any principle, objective, guideline, approval, direction, determination' and substituting 'any approval, direction, determination, declaration, order'".

Debate continued.

Limitation of debate: At 10.25 p.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

Amendments negatived.

Clauses agreed to.

Question—That the remainder of the Bill be agreed to and the Bill be reported without amendment—put and passed.

The House resumed; Mr Scholes reported accordingly.

On the motion of Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services), the House adopted the report, and the Bill was read a third time.

26 CUSTOMS TARIFF AMENDMENT BILL 1992: 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.

Mr McLachlan, by leave, moved the following amendments together:

Schedule 5, page 12, proposed amendment 4 of Schedule 1, omit "Macedonia", substitute "The former Yugoslavian Republic known as Macedonia".

Schedule 8—

Pages 63-85, amendments 57-64, omit "and \$12,000 each" (whenever occurring).

Pages 90-91, omit proposed amendment of Part III of Schedule 4 (new Item 59).

Question—That the amendments be agreed to—put.

The committee divided (the Deputy Chairman, Mrs Sullivan, in the Chair)—

AYES, 66

| | | | |
|------------------|------------------|--------------|----------------|
| Mr Aldred | Mr Costello | Dr Kemp | Mr Ronaldson |
| Mr J. N. Andrew* | Mr Cowan | Mr Lloyd | Mr Ruddock |
| Mr K. J. Andrews | Mr Downer | Mr McArthur | Mr B. C. Scott |
| Mr Atkinson | Dr H. R. Edwards | Mr McGauran | Mr Shack |
| Mrs Bailey | Mr Fife | Mr Mack | Mr Sharp |
| Mr Beale | Mr Filing | Mr MacKellar | Mr Sinclair |
| Mr Bradford | Mr T. A. Fischer | Mr McLachlan | Mr Smith |
| Mr Braithwaite | Mr P. S. Fisher | Mr Miles | Mr Somlyay |
| Mr Broadbent | Mr Ford | Mr Moore | Mr Taylor |
| Mr Burr | Mr Gallus | Mr Nehl | Mr Truss |
| Mr Cadman | Mr Goodluck | Mr Nugent | Mr Tuckey |
| Mr Cameron | Mr Hall | Mr Peacock | 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 |
| Mr Cobb | Mr Howard | Mr Riggall | |
| Mr Connolly | Mr Jull | Mr Rocher | |

NOES, 71

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

* Tellers

And so it was negatived.

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

Question—That the Bill be agreed to and the Bill be reported without amendment—put and passed.

The House resumed; Mrs Sullivan reported accordingly.

Question—That the report be adopted and the Bill be now read a third time—put and passed—Bill read a third time.

27 CUSTOMS LEGISLATION (TARIFF CONCESSIONS AND ANTI-DUMPING) AMENDMENT BILL 1992: 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 McLachlan 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 is of the opinion that, in addition to the amendments to anti-dumping and countervailing procedures contained in the Bill, the Government should move immediately to make the current inadequate procedures faster and more effective:

- (1) by reducing the *prima facie* hearing stage to 5 working days;
- (2) by reducing the preliminary inquiry stage to 60 days, thus enabling the imposition of provisional measures after 65 days instead of the current 125 days; and

- (3) by facilitating much speedier hearings by running parallel inquiries by the Anti-Dumping Authority and the Australian Customs Service into the extent of injury and extent of dumping or subsidisation respectively; thus ensuring that Australian industries are not immeasurably disadvantaged by unfair trading practices before remedial action is taken".

Debate continued.

The House continuing to sit until after midnight—
THURSDAY, 28 MAY 1992

Debate continued.

Amendment negatived.

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

Mr McLachlan, by leave, moved the following amendments together:

Clause 13—

Page 24, line 43, omit "25 days", substitute "5 days".

Page 25, line 19, omit "25 days", substitute "5 days".

Limitation of debate: At 12.15 a.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the remaining stages had expired—

Question—That the amendments be agreed to—put.

The committee divided (the Deputy Chairman, Mr L. J. Scott, in the Chair)—

AYES, 61

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

NOES, 71

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

* Tellers

And so it was negatived.

Question—That the Bill be agreed to and that the Bill be reported without amendment—put and passed.

The House resumed; Mr L. J. Scott reported accordingly.

Question—That the report be adopted and the Bill be now read a third time—put and passed—Bill read a third time.

28 CUSTOMS TARIFF (ANTI-DUMPING) AMENDMENT BILL 1992: 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—

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

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

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

29 ADJOURNMENT: Mr Beddall (Minister for Small Business, Construction and Customs) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 12.27 a.m., adjourned until this day at 9.30 a.m.

PAPERS: The following papers were deemed to have been presented on 27 May 1992:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for the collection of information—1992—

No. 4—Private health establishments collection.

No. 5—Topic to be included as a supplement to the monthly labour force survey: health insurance.

No. 6—Survey of stocks of unsold wool.

No. 7—Survey of interstate road freight movements.

No. 8—Topic to be included as a supplement to the monthly labour force survey: infant sleeping positions.

No. 9—1991-92 retail census.

No. 10—Survey of pay periodicity.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities Regulations—Certificates issued 16 January and 29 April 1992.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Bilney*, Mr R. F. Edwards and Mr Jones.

*On leave

L. M. BARLIN
Clerk of the House of Representatives