

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 162

WEDNESDAY, 25 NOVEMBER 1992

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- 1 The House met, at 10 a.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
 - 2 **AUSTRALIAN INDUSTRY DEVELOPMENT CORPORATION 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.
Leave granted for third reading to be moved forthwith.
On the motion of Mr Free (Minister representing the Minister for Industry, Technology and Commerce), the Bill was read a third time.
 - 3 **PRIMARY INDUSTRIES 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.
Question—put and passed—Bill read a second time.
Message from the Governor-General: Message No. 350, dated 11 November 1992, 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 Beddall (Minister for Small Business, Construction and Customs), the Bill was read a third time.
 - 4 **POSTPONEMENT OF ORDERS OF THE DAY:** Ordered—That orders of the day Nos. 3 and 4, government business, be postponed until a later hour this day.
 - 5 **WILLS BY-ELECTION—STATEMENT BY SPEAKER:** The Speaker advised that the High Court had determined that, in relation to the by-election held on 11 April 1992 for the Division of Wills, Mr Cleary was not duly elected and the election is absolutely void. The Speaker also informed the House that, because of legal questions that arise as a consequence of the judgment, he had sought advice from the Attorney-General and that he would make a further statement upon receipt of that advice.
 - 6 **QUESTIONS:** Questions without notice were asked.
 - 7 **PAPER:** Mr Dawkins (Treasurer), by indulgence, added to an answer given during question time and presented the following paper:
Sales tax exemptions—Sales tax lodgement date extended—Media release 92/61 issued by the Australian Taxation Office, 24 November 1992.

8 **SUSPENSION OF STANDING ORDERS MOVED:** Mr Reith (Deputy Leader of the Opposition) moved—That so much of the standing orders be suspended as would prevent the Treasurer explaining to the House forthwith his failure to ensure that all necessary arrangements have been put in place for the efficient operation of the new sales tax legislation from 1 January next and as would prevent him answering basic questions on how his new sales tax will operate.

Closure of Member: Mr Beazley (Leader of the House) moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 69

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

NOES, 63

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

* Tellers

And so it was resolved in the affirmative.

Mr Tuckey (seconder) addressing the House—

Closure of Member: Mr Beazley moved—That the honourable Member be not further heard.

Question—put and passed.

Closure: Mr Beazley moved—That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the motion for the suspension of standing orders be agreed to—being accordingly put—

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

AYES, 63

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

NOES, 70

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

* Tellers

And so it was negated.

9 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER: The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 6 of 1992-93—Efficiency audit—Auscript: Commercialisation of the Commonwealth Reporting Service.

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. 6 of 1992-93; and
- (2) the report be printed.

Question—put and passed.

10 PARLIAMENTARY ZONE—JOINT STANDING COMMITTEE—REPORT: The Speaker (Joint Chairman) presented the following report:

Parliamentary Zone—Joint Standing Committee—The future of the old Parliament House—Report, November 1992.

Ordered to be printed.

11 PAPERS: The following papers were presented:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Report for 1991-92.

Australian Maritime Safety Authority Act—Australian Maritime Safety Authority—Report for 1991-92.

Australian National Railways Commission Act—Statement in relation to a direction under subsection 19(2).

- Customs Administration Act—Australian Customs Service—Report for 1991-92.
- Employment, Education and Training Act—
Australian Research Council—Research funding programs 1992—Report—
Grants and fellowships awarded.
Introduction and summary tables.
- National Board of Employment, Education and Training—Report for 1991-92.
- Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Army and Air Force Canteen Service (AAFCANS)—Report for 1991-92.
- Freedom of Information Act—Report by the Attorney-General, for 1991-92.
- International Bank for Reconstruction and Development (General Capital Increase) Act—Report for 1991-92.
- International Monetary Agreements Act—Report for 1991-92.
- Office of Film and Literature Classification and Film and Literature Board of Review—Reports for 1991-92.
- Public Service Act—Department of Immigration, Local Government and Ethnic Affairs—Report, including a report on the Adult Migrant English Program pursuant to the Immigration (Education) Act and a return pursuant to the Australian Citizenship Act, for 1991-92.
- 12 AUSTRALIAN CUSTOMS SERVICE—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
Customs Administration Act—Australian Customs Service—Report for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 13 OFFICE OF FILM AND LITERATURE CLASSIFICATION AND FILM AND LITERATURE BOARD OF REVIEW—REPORTS—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
Office of Film and Literature Classification and Film and Literature Board of Review—Reports for 1991-92.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 14 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC MANAGEMENT:** 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 Government’s economic mismanagement which has thrown a million people out of work and provides no plan to solve the unemployment crisis”.
The proposed discussion having received the necessary support—
Dr Hewson addressed the House.
Discussion ensued.
Discussion concluded.
- 15 MESSAGE FROM THE SENATE:** A message from the Senate was reported returning the following Bill without amendment:
24 November 1992—Message No. 555—Law and Justice Legislation Amendment (No. 4) 1992.
- 16 FACILITIES FOR INCREASED ARMY PRESENCE IN THE NORTH AND REDEVELOPMENT OF LARRAKEYAH BARRACKS, DARWIN—APPROVAL OF WORKS:** 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*, it is expedient to carry out the following proposed works which were referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Facilities for an increased Army presence in the north and redevelopment of Larrakeyah Barracks, Darwin.

Question—put and passed.

- 17 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—HMAS WATERHEN FACILITIES MODERNISATION, WAVERTON, NSW:** 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: HMAS *Waterhen* facilities modernisation, Waverton, NSW.

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

Question—put and passed.

- 18 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—CONSTRUCTION OF HOUSING DEVELOPMENT, KELLYVILLE, NSW:** 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: Construction of a housing development, Kellyville, NSW.

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

Debate ensued.

Question—put and passed.

- 19 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—HOUSING DEVELOPMENT, FLINDERS VIEW NEAR IPSWICH, QLD:** 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: Housing development at Flinders View near Ipswich, Qld.

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

Debate ensued.

Question—put and passed.

- 20 FACILITIES FOR INCREASED ARMY PRESENCE IN THE NORTH AND REDEVELOPMENT OF LARRAKEYAH BARRACKS, DARWIN, AND HMAS WATERHEN FACILITIES MODERNISATION, WAVERTON, NSW—STATEMENTS BY MEMBERS:** Mr Downer, by leave, made a statement in connection with the proposed works for facilities for an increased Army presence in the north and redevelopment of Larrakeyah Barracks, Darwin, and the reference to the Parliamentary Standing Committee on Public Works concerning HMAS *Waterhen* facilities modernisation, Waverton, NSW.

Mr Price (Parliamentary Secretary to the Minister for Defence), by leave, also made a statement in connection with the proposed works.

- 21 MURRAY-DARLING BASIN BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to approve and provide for carrying out an agreement entered into between the Commonwealth, New South Wales, Victoria and South Australia with

regard to the water, land and other environmental resources of the Murray-Darling Basin, and for related purposes.

Bill read a first time.

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

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

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

- 22 **SERVICE AND EXECUTION OF PROCESS 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the Bill was read a third time.

- 23 **SERVICE AND EXECUTION OF PROCESS (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) 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 Duncan (Parliamentary Secretary to the Attorney-General), the Bill was read a third time.

- 24 **PARLIAMENTARY PRESIDING OFFICERS AMENDMENT BILL 1992:** The order of the day having been read for the second reading—

Mr Beazley (Leader of the House) moved—That the Bill be now read a second time.

Debate ensued.

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.

On the motion of Mr Beazley, by leave, the following amendments were made together:

Amendments—

Clause 3, page 1, omit the clause, substitute the following clause:

Interpretation

“3. Section 2 of the Principal Act is repealed and the following section is substituted:

Interpretation

‘2. In this Act:

“**Deputy Presiding Officer**” means:

(a) in relation to the Senate—the Deputy President and Chairman of Committees;

(b) in relation to the House of Representatives—the Deputy Speaker and Chairman of Committees;

“**Presiding Officer**” means:

(a) in relation to the Senate—the President of the Senate;

(b) in relation to the House of Representatives—the Speaker of the House of Representatives.’”.

Clause 4, page 2, add the following paragraph:

“(c) by inserting ‘, or the House of Representatives expires,’ after ‘is dissolved’.”.

Clause 6, page 2, omit the clause, substitute the following clause:
Deputy Presiding Officer to be deemed to be Presiding Officer in event of death, absence or incapacity of Presiding Officer

“4. Section 5 of the Principal Act is amended:

- (a) by omitting ‘Chairman of Committees’ (wherever occurring) and substituting ‘Deputy Presiding Officer’;
- (b) by omitting from paragraph (1)(b) ‘either of the last two preceding sections’ and substituting ‘section 3 or 4’;
- (c) by inserting after ‘is dissolved’ in subsection (1) ‘, or the House of Representatives expires,’;
- (d) by omitting from subsection (2) ‘the last preceding sub-section’ and substituting ‘subsection (1)’.”.

New clause—

Page 2, after clause 6 insert the following new clause:

Presiding Officer to be deemed to continue to be Presiding Officer after dissolution or expiry of House

“6A. Section 6 of the Principal Act is amended:

- (a) by inserting ‘, or the House of Representatives expires’ after ‘is dissolved’;
- (b) by inserting ‘or expiry’ after ‘dissolution’.”.

Amendments—

Clause 7, page 2, omit the clause, substitute the following clause:

Deputy Presiding Officer to be deemed to be Presiding Officer in event of death, absence or incapacity of Presiding Officer after dissolution or expiry of House

“7. Section 7 of the Principal Act is amended:

- (a) by inserting ‘, or the House of Representatives has expired’ after ‘has been dissolved’;
- (b) by inserting ‘or expiry’ after ‘dissolution’;
- (c) by omitting ‘Chairman of Committees’ and substituting ‘Deputy Presiding Officer’.”.

Title, page 1, add “, and for other purposes”.

Bill to be reported with amendments, and with an amended title.

The House resumed; Mr MacKellar reported accordingly.

On the motion of Mr Beazley, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

25 **CRIMES (SHIPS AND FIXED PLATFORMS) 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the Bill was read a third time.

26 **LAW AND JUSTICE LEGISLATION AMENDMENT BILL (NO. 3) 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 Costello 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 lawyers in the Government sector should be subject to the same regulatory requirements and regulatory costs as lawyers in the private sector”.

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 Costello, by leave, moved the following amendments together:

Schedule, page 7—

Proposed amendments to Part II of Schedule 2 of the *Freedom of Information Act 1982*, omit “Attorney-General’s Department, in relation to documents in respect of commercial activities it undertakes”.

Proposed amendments to Part II of Schedule 2 of the *Freedom of Information Act 1982*, omit “Australian Government Solicitor, in relation to documents in respect of its commercial activities”.

Debate continued.

Amendments negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr MacKellar reported accordingly.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the House adopted the report, and, by leave, the Bill was read a third time.

27 CRIMES 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the Bill was read a third time.

28 ADJOURNMENT: Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the House do now adjourn.

Debate ensued.

Paper: Mr Aldred, by leave, presented the following paper:

International Convention on the Elimination of All Forms of Racial Discrimination. Opened for signature at New York on 7 March 1966—United Nations Treaty Series 1969—No. 9464.

Debate continued.

Question—put and passed.

And then the House, at 8.06 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS: The following papers were deemed to have been presented on 25 November 1992:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for the collection of information—1992 Nos. 31, 32, 33.

Civil Aviation Act—Civil Aviation Regulations—Exemption—1992 No. 6.

Military Superannuation and Benefits Act—Instrument—1992 No. 3.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Cameron*, Ms Fatin, Mr Fife, Mr Howe, Mr Kerin and Mr H. F. Woods.

*On leave

L. M. BARLIN
Clerk of the House of Representatives