

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 48

WEDNESDAY, 2 FEBRUARY 1994

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

2 **CRIMES (SEARCH WARRANTS AND POWERS OF ARREST) AMENDMENT BILL 1993**

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 Mr Williams, 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 Bill be referred to the Standing Committee on Legal and Constitutional Affairs for review”—

Debate resumed.

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 Kerr (Minister for Justice), by leave, moved the following amendments together:

Clause 4—

Page 3, after proposed subsection 3D(1) insert the following subsection:

“(1A) To avoid any doubt, it is declared that even though another law of the Commonwealth provides power to do one or more of the things referred to in subsection (1), a similar power conferred by this Part may be used despite the existence of the power under the other law.”

Page 8, lines 5 to 17, omit proposed section 3G.

Page 30, after proposed section 3ZP insert the following section:

Announcement before entry

“‘3ZPA.(1) The executing officer or a constable assisting must, before any person enters premises under a warrant or to arrest a person:

- (a) announce that he or she is authorised to enter the premises; and
- (b) give any person at the premises an opportunity to allow entry to the premises.

‘(2) The executing officer or a constable assisting is not required to comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure:

- (a) the safety of a person (including the executing officer and the constable assisting); or
- (b) that the effective execution of the warrant or the arrest is not frustrated.”.

Page 32, line 24, omit “3ZH”, substitute “3ZI”.

Mr Kerr presented a supplementary explanatory memorandum to the Bill.

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Jenkins reported accordingly.

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

3 PRIVILEGE—COMPLAINT OF BREACH

Mr Truss raised, as a matter of privilege, articles published in the *Australian* and the *Canberra Times* of 2 February 1994 which appeared to reveal details of a submission from Mrs Kelly (Minister for the Environment, Sport and Territories) to the Standing Committee on Environment, Recreation and the Arts. Mr Truss stated that publication of the submission had not been authorised and he would be raising the matter with the committee when it next met.

The Speaker stated that he would await the results of the committee’s deliberations on the matter.

4 MARITIME LEGISLATION AMENDMENT BILL 1993

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.

5 HIGHER EDUCATION FUNDING AMENDMENT BILL 1993

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 Wooldridge (Deputy Leader of the Opposition) 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) expresses its concern that no provision has been made in the amended operating grant amount for 1996 for the allocation of new undergraduate places in Victoria; and
- (2) calls on the Government to ensure that the criteria underlying the allocation of new funded student places are applied consistently and equitably across the States and Territories”.

Debate continued.

Mrs Sullivan addressing the House—

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

6 QUESTIONS

Questions without notice were asked.

7 PAPERS

The following papers were presented:

Australian Hearing Services—Report for 1992-93.

Defence Technologies Australia Pty Limited—Report for 1992-93.

Seafarers Rehabilitation and Compensation Act—Seafarers Rehabilitation and Compensation Authority—Report for 1992-93.

Superannuation Act 1976—Commonwealth Superannuation Board of Trustees No. 2—Report for 1992-93.

Superannuation Act 1990—Commonwealth Superannuation Board of Trustees No. 1—Report for 1992-93.

8 PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Beazley (Leader of the House) moved—That the House take note of the following papers:

Defence Technologies Australia Pty Limited—Report for 1992-93.

Seafarers Rehabilitation and Compensation Act—Seafarers Rehabilitation and Compensation Authority—Report for 1992-93.

Superannuation Act 1976—Commonwealth Superannuation Board of Trustees No. 2—Report for 1992-93.

Superannuation Act 1990—Commonwealth Superannuation Board of Trustees No. 1—Report for 1992-93.

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

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—UNEMPLOYMENT

The House was informed that Dr Wooldridge (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the

House for discussion, namely, "The continuing tragic level of unemployment in Australia".

The proposed discussion having received the necessary support—

Dr Wooldridge addressed the House.

Discussion ensued.

Discussion concluded.

10 DISCHARGE OF ORDERS OF THE DAY

Mr Free (Minister for Schools, Vocational Education and Training), by leave, moved—That the following orders of the day, government business, be discharged:

Public Service Commission—Report—Motion to take note of paper: Resumption of debate.

Human Rights and Equal Opportunity Commission—Report—Motion to take note of paper: Resumption of debate.

Law Reform Commission—Report—Motion to take note of paper: Resumption of debate.

Privacy Commissioner—Report—Motion to take note of paper: Resumption of debate.

Audio-visual Copyright Society Limited—Report—Motion to take note of paper: Resumption of debate.

Auscript—Report—Motion to take note of paper: Resumption of debate.

Copyright Agency Limited—Report—Motion to take note of paper: Resumption of debate.

Department of Foreign Affairs and Trade—Report—Motion to take note of paper: Resumption of debate.

Aboriginal Land Commissioner—Report—Motion to take note of paper: Resumption of debate.

Anindilyakwa Land Council—Report—Motion to take note of paper: Resumption of debate.

Australian National Line Limited—Report—Motion to take note of paper: Resumption of debate.

Department of Transport and Communications—Report—Motion to take note of paper: Resumption of debate.

Australian Wool Industry Council—Report—Motion to take note of paper: Resumption of debate.

National Food Authority—Report—Motion to take note of paper: Resumption of debate.

Attorney-General's Department—Report—Motion to take note of paper: Resumption of debate.

Special Broadcasting Service Corporation—Report—Motion to take note of paper: Resumption of debate.

Australian Broadcasting Authority—Report—Motion to take note of paper: Resumption of debate.

Australian National Maritime Museum—Report—Motion to take note of paper: Resumption of debate.

Stevedoring Industry Finance Committee—Report—Motion to take note of paper: Resumption of debate.

Australian Sports Commission—Strategic plan—Motion to take note of paper: Resumption of debate.

Outstanding Government responses to parliamentary committee reports—Government response—Paper—Motion to take note of paper: Resumption of debate.

Family Court of Australia—Report—Motion to take note of paper: Resumption of debate.

Great Barrier Reef Marine Park Authority—Review—Paper—Motion to take note of paper: Resumption of debate.

Energy Research and Development Corporation—Report—Motion to take note of paper: Resumption of debate.

Small Business in Australia—Report—Motion to take note of paper: Resumption of debate.

Australian Institute of Family Studies—Report—Motion to take note of paper: Resumption of debate.

Department of the Arts and Administrative Services—Report—Corrigenda—Motion to take note of paper: Resumption of debate.

Australian Tourist Commission—Report—Motion to take note of paper: Resumption of debate.

Australian Sports Commission—Report—Motion to take note of paper: Resumption of debate.

Rural Industries Research and Development Corporation—Report—Motion to take note of paper: Resumption of debate.

Snowy Mountains Hydro-electric Authority—EEO report—Motion to take note of paper: Resumption of debate.

Australian Institute of Criminology—Report—Motion to take note of paper: Resumption of debate.

Housing Loans Insurance Corporation—Report—Motion to take note of paper: Resumption of debate.

National Competition Policy Review—Report—Motion to take note of paper: Resumption of debate.

Print Media—Select Committee—Report—Government response—Motion to take note of paper: Resumption of debate.

Tax expenditures statement—Paper—Motion to take note of paper: Resumption of debate.

Housing Assistance Act—Report—Motion to take note of paper: Resumption of debate.

Australian Defence Industries Limited—Report—Motion to take note of paper: Resumption of debate.

Australian Industrial Relations Commission—Report—Motion to take note of paper: Resumption of debate.

National Occupational Health and Safety Commission—Report—Motion to take note of paper: Resumption of debate.

Administrative Appeals Tribunal—Report—Motion to take note of paper: Resumption of debate.

Inspector-General of Intelligence and Security—Report—Motion to take note of paper: Resumption of debate.

National Board of Employment, Education and Training—Report on credit transfer and related issues—Motion to take note of paper: Resumption of debate.

Department of Industry, Technology and Regional Development—Report—Motion to take note of paper: Resumption of debate.

Treasury—Report—Motion to take note of paper: Resumption of debate.

Freedom of Information Act—Report—Motion to take note of paper: Resumption of debate.

Industry Commission—Report—Motion to take note of paper: Resumption of debate.

Australian Language and Literacy Council—Report on incorporating English language and literacy competencies into industry standards—Motion to take note of paper: Resumption of debate.

Health Insurance Commission—Report—Motion to take note of paper: Resumption of debate.

Department of Immigration and Ethnic Affairs—Report—Motion to take note of paper: Resumption of debate.

National Crime Authority—Report—Motion to take note of paper: Resumption of debate.

Federal Race Discrimination Commissioner—Paper—Motion to take note of paper: Resumption of debate.

Australian Political Exchange Council—Report—Motion to take note of paper: Resumption of debate.

Private Health Insurance Administration Council—Report—Motion to take note of paper: Resumption of debate.

Office of Parliamentary Counsel—Report—Motion to take note of paper: Resumption of debate.

Social Security Appeals Tribunal—Report—Motion to take note of paper: Resumption of debate.

Australian Science and Technology Council—Report—Motion to take note of paper: Resumption of debate.

Australia Council—Report—Motion to take note of paper: Resumption of debate.

Insurance and Superannuation Commission—Report—Motion to take note of paper: Resumption of debate.

Federal Court of Australia—Report—Motion to take note of paper: Resumption of debate.

Defence Report—Motion to take note of paper: Resumption of debate.

Department of Health, Housing, Local Government and Community Services—Report—Motion to take note of paper: Resumption of debate.

Australian Taxation Office—Report—Motion to take note of paper: Resumption of debate.

Australian Wool Industry Council—Report—Motion to take note of paper: Resumption of debate.

Australian Broadcasting Corporation—Report—Motion to take note of paper: Resumption of debate.

Australian National Training Authority—Report—Motion to take note of paper: Resumption of debate.

Department of Primary Industries and Energy—Report—Motion to take note of paper: Resumption of debate.

Repatriation Commission and Department of Veterans' Affairs—Report—Motion to take note of paper: Resumption of debate.

Comcare Australia—Report—Motion to take note of paper: Resumption of debate.

Prices Surveillance Authority—Report—Motion to take note of paper: Resumption of debate.

Australian Research Council—Advice on high energy physics in Australia—Motion to take note of paper: Resumption of debate.

Australian Industrial Registry—Report—Motion to take note of paper: Resumption of debate.

Department of Industrial Relations—Report—Motion to take note of paper: Resumption of debate.

Trade Union Training Authority—Report—Motion to take note of paper: Resumption of debate.

Affirmative Action Agency—Report—Motion to take note of paper: Resumption of debate.

Merit Protection and Review Agency—Report—Motion to take note of paper: Resumption of debate.

Remuneration Tribunal—Report—Motion to take note of paper: Resumption of debate.

International Labour Organisation—Papers—Motion to take note of papers: Resumption of debate.

Coal Mining Industry Long Service Leave (Funding) Corporation—Report—Motion to take note of paper: Resumption of debate.

Murray-Darling Basin Commission—Report—Motion to take note of paper: Resumption of debate.

Department of Social Security—Report—Motion to take note of paper: Resumption of debate.

Australian Telecommunications Authority—Report—Motion to take note of paper: Resumption of debate.

Public Accounts—Joint Committee—Reports on public sector research and development—Government responses—Motion to take note of papers: Resumption of debate.

Telstra Corp Ltd—Equal employment opportunity program—Paper—Motion to take note of paper: Resumption of debate.

Australian Maritime Safety Authority—Report—Motion to take note of paper: Resumption of debate.

Federal Airports Corporation—Report—Motion to take note of paper: Resumption of debate.

Genetic Manipulation Advisory Committee—Report—Motion to take note of paper: Resumption of debate.

Department of the Arts and Administrative Services—Report—Motion to take note of paper: Resumption of debate.

Australian Electoral Commission—Report—Motion to take note of paper: Resumption of debate.

Department of Tourism—Report—Motion to take note of paper: Resumption of debate.

Sugar Research and Development Corporation—Report—Motion to take note of paper: Resumption of debate.

Agriculture and Resource Management Council of Australia and New Zealand—Papers—Motion to take note of papers: Resumption of debate.

Australian Wool Realisation Commission—Report—Motion to take note of paper: Resumption of debate.

States Grants (Schools Assistance) Act 1988—Report on financial assistance—Motion to take note of paper: Resumption of debate.

Australia and the World Bank—Report—Motion to take note of paper: Resumption of debate.

Operations of the IMF and World Bank—Report—Motion to take note of paper: Resumption of debate.

Members of Parliament (Staff) Act 1984—Report—Motion to take note of paper: Resumption of debate.

Office of Multicultural Affairs—Access and equity report—Motion to take note of paper: Resumption of debate.

Australian Trade Commission—Report—Motion to take note of paper: Resumption of debate.

Joint Coal Board—Report—Motion to take note of paper: Resumption of debate.

Aboriginal and Torres Strait Islander Social Justice Commission—Report—Motion to take note of paper: Resumption of debate.

Papua New Guinea Superannuation Scheme—Report—Motion to take note of paper: Resumption of debate.

National Board of Employment, Education and Training—Report—Motion to take note of paper: Resumption of debate.

Snowy Mountains Council—Report—Motion to take note of paper: Resumption of debate.

Pharmaceutical Benefits Pricing Authority—Report—Motion to take note of paper: Resumption of debate.

Australian Securities Commission—Report—Motion to take note of paper: Resumption of debate.

Corporations and Securities Panel—Report—Motion to take note of paper: Resumption of debate.

Companies Auditors and Liquidators Disciplinary Board—Report—Motion to take note of paper: Resumption of debate.

Employment and Skills Formation Council—Report on middle level skills in the Australian workforce—Motion to take note of paper: Resumption of debate.

Commonwealth Funds Management Limited—Report—Motion to take note of paper: Resumption of debate.

National Capital—Joint Committee—Report on protecting and managing the national capital's open spaces—Government response—Paper—Motion to take note of paper: Resumption of debate.

National Capital and External Territories—Joint Standing Committee—Report on review of the draft master plan—Government response—Paper—Motion to take note of paper: Resumption of debate.

Advance to the Minister for Finance, October 1993—Papers—Motion to take note of papers: Resumption of debate.

Royal Australian Air Force Veterans' Residences Trust—Report—Motion to take note of paper: Resumption of debate.

Defence Force Retirement and Death Benefits Authority—Report—Motion to take note of paper: Resumption of debate.

Military Superannuation and Benefits Board of Trustees No. 1—Report—Motion to take note of paper: Resumption of debate.

Defence Housing Authority—Report—Motion to take note of paper: Resumption of debate.

Australian Bureau of Statistics—Report—Motion to take note of paper: Resumption of debate.

National Legal Aid Advisory Committee—Report—Motion to take note of paper: Resumption of debate.

Department of Employment, Education and Training—Report—Motion to take note of paper: Resumption of debate.

Legal and Constitutional Affairs—Standing Committee—Report on Australian law in Antarctica—Delay in Government response—Paper—Motion to take note of paper: Resumption of debate.

Civil Aviation Authority—Report—Motion to take note of paper: Resumption of debate.

Australian Federal Police—Report—Motion to take note of paper: Resumption of debate.

Reserve Bank of Australia—Report on equal employment opportunity—Motion to take note of paper: Resumption of debate.

National Board of Employment, Education and Training—Reviews of grants outcomes—Papers—Motion to take note of papers: Resumption of debate.

National Library of Australia—Report—Motion to take note of paper: Resumption of debate.

Immigration Review Tribunal—Report—Motion to take note of paper: Resumption of debate.

National Treatment Monitoring Committee—Report—Motion to take note of paper: Resumption of debate.

Resource Assessment Commission—Report—Motion to take note of paper: Resumption of debate.

Dairy Research and Development Corporation—Report—Motion to take note of paper: Resumption of debate.

High Court of Australia—Report—Motion to take note of paper: Resumption of debate.

Industry Research and Development Board—Report—Motion to take note of paper: Resumption of debate.

Federal Police Disciplinary Tribunal—Report for 1992-93—Motion to take note of paper: Resumption of debate.

International Air Services Commission—Report—Motion to take note of paper: Resumption of debate.

Qantas Airways Limited—Report—Motion to take note of paper: Resumption of debate.

Health Insurance Commission—Report on equal employment opportunity—Motion to take note of paper: Resumption of debate.

Commonwealth Grants Commission—Reports on Cocos (Keeling) Island—Motion to take note of papers: Resumption of debate.

Question—put and passed.

11 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 4, government business, be postponed until a later hour this day.

12 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1994

Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), pursuant to notice, presented a Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Bill read a first time.

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

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

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

13 HIGHER EDUCATION FUNDING AMENDMENT BILL 1993

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 Wooldridge (Deputy Leader of the Opposition), 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:

- (1) expresses its concern that no provision has been made in the amended operating grant amount for 1996 for the allocation of new undergraduate places in Victoria; and
- (2) calls on the Government to ensure that the criteria underlying the allocation of new funded student places are applied consistently and equitably across the States and Territories”—

Debate resumed.

Amendment negatived.

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. 104, dated 16 December 1993, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

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

Bill to be reported without amendment.

The House resumed; Mr Nehl reported accordingly.

On the motion of Mr Crean (Minister for Employment, Education and Training), the House adopted the report, and, by leave, the Bill was read a third time.

14 SOCIAL SECURITY (HOME CHILD CARE AND PARTNER ALLOWANCES) LEGISLATION AMENDMENT BILL 1993

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 Swan), and the resumption of the debate made an order of the day for a later hour this day.

15 SELECTION COMMITTEE—AMENDED REPORT

Mr Jenkins (Chairman) presented the following report:

Selection Committee—Amended report relating to the program of business prior to 12.30 p.m. on Thursday, 3 February 1994—

and, by leave, moved—That the report be adopted in lieu of the report presented on 16 December 1993.

Question—put and passed.

16 SOCIAL SECURITY (HOME CHILD CARE AND PARTNER ALLOWANCES) LEGISLATION AMENDMENT BILL 1993

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. 105, dated 16 December 1993, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security) moved the following amendment: Clause 3, page 11, line 15, omit proposed paragraph 926(a), substitute the following paragraph:

“(a) a payment by way of a social security pension, social security benefit or rehabilitation allowance other than that part of the payment that is for rent assistance, pharmaceutical allowance or remote area allowance; and”.

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

Debate ensued.

Amendment agreed to.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The House resumed; Mr Nehl reported accordingly.

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

17 TRAINING GUARANTEE (ADMINISTRATION) AMENDMENT BILL 1993

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.

Mrs S. J. Smith addressing the House—

18 ADJOURNMENT

It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Debate extended: It being 11 p.m., the debate was interrupted.

Mr Lee (Minister for Tourism) required the debate to be extended.

The debate continuing until 11.06 p.m., the Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 2 February 1994: Christmas Island Act—Casino Control Ordinance—Appointment of Members of the Casino Surveillance Authority, 21 December 1993.

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

105—Amendments 1994, January 13(2), 17(2), 19, 20(3), 21(2), 24, 27.

107—Amendment, 20 January 1994.

Safety Rehabilitation and Compensation Act—Notice 1993 No. 1.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Costello, Mr Fischer, Mr Langmore, Mr Miles, Mr Price and Mr Sharp.

L. M. BARLIN

Clerk of the House of Representatives