

1993-94

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 54

MONDAY, 21 FEBRUARY 1994

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1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

**2 SPEAKER'S PANEL**

The following warrant nominating members of the Speaker's panel, pursuant to standing order 18, was laid upon the Table:

## HOUSE OF REPRESENTATIVES

Pursuant to the provisions of standing order 18, I nominate—

John Neil Andrew,  
James Donald Mathieson Dobie,  
Eric John Fitzgibbon,  
Colin Hollis,  
Garry Barr Nehl,  
Neville Joseph Newell,  
Nicholas Bruce Reid,  
Leslie James Scott,  
James Henry Snow and  
Warren Errol Truss

to be members of the Speaker's panel to assist the Chair when requested to do so by the Speaker or Deputy Speaker.

Given under my hand on 21 February 1994.

STEPHEN MARTIN  
Speaker

**3 RESIGNATIONS OF MEMBERS AND ISSUE OF WRITS**

The Speaker informed the House that, on 11 February 1994, he had received a letter from the Honourable Dr Neal Blewett resigning his seat as the Member for the electoral division of Bonython, in the State of South Australia. The Speaker

stated that on that day he had issued a writ for the election of a Member to serve for that electoral division. The dates in connection with the election were fixed as follows:

Close of rolls .....	Friday, 18 February 1994.
Date of nominations .....	Tuesday, 22 February 1994.
Date of polling .....	Saturday, 19 March 1994.
Return of writ .....	On or before Friday, 20 May 1994.

The Speaker further informed the House that, on 18 February 1994, he had received a letter from the Honourable Michael John Randal MacKellar resigning his seat as the Member for the electoral division of Warringah, in the State of New South Wales. The Speaker stated that he had issued writs on that day for the election of Members to serve for the Electoral Divisions of Mackellar and Warringah, in the State of New South Wales, to fill the vacancies caused by the resignations of Mr Carlton and Mr MacKellar, respectively. The dates in connection with the elections were fixed as follows:

Close of rolls .....	Friday, 25 February 1994.
Date of nominations .....	Tuesday, 1 March 1994.
Date of polling .....	Saturday, 26 March 1994.
Return of writs .....	On or before Friday, 27 May 1994.

#### 4 TELECOMMUNICATIONS AMENDMENT BILL 1994

Mr B. C. Scott, pursuant to notice, presented a Bill for an Act to amend the *Telecommunications Act 1991*.

Mr B. C. Scott made a statement in relation to the Bill.

*Paper:* Mr B. C. Scott presented an explanatory memorandum to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Monday, in accordance with standing order 104A.

#### 5 COAL EXPORTS

Mr Hollis, pursuant to notice, moved—That this House:

- (1) expresses its concern at the recent prices negotiated between Australian coal producers and Japanese buyers;
- (2) recognises the importance of coal exports to the Australian economy; and
- (3) calls on the Government to establish a National Coal Authority.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Monday.

#### 6 ROAD TRANSPORT INFRASTRUCTURE

Mr Reid, pursuant to notice, moved—That Australian road transport infrastructure be improved to meet the needs of primary industry, manufacturing and tourism which will enhance Australia's export performance and lead to improved economic performance on overseas and domestic markets.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Monday.

## **7 FEMALE GENITAL MUTILATION**

Ms Worth, pursuant to notice, moved—That the House:

- (1) recognises that female genital mutilation is occurring in Australia and there is no specific law to ban this practice;
- (2) expresses its deep concern that 80 million women around the world are subject to female genital mutilation;
- (3) acknowledges there is no medical or religious basis for this custom and there is an urgent need to educate women in communities in Australia and overseas where these practices occur;
- (4) calls on Australia to support the international declarations from the UN General Assembly on Violence Against Women and the Convention on the Elimination of All Forms of Discrimination Against Women; and
- (5) calls on the federal Government to recognise its obligations under these declarations and also to introduce legislation to outlaw female genital mutilation in Australia.

Debate ensued.

It being approximately 2.45 p.m., the debate was interrupted in accordance with standing order 104A and the resumption of the debate made an order of the day for the next sitting Monday.

## **8 MEMBERS' STATEMENTS**

Members' statements were made.

## **9 PAPER**

Mr Beazley (Leader of the House) presented the following paper:

Roster of Ministers to attend question time as at 18 February 1994.

## **10 QUESTIONS**

Questions without notice were asked.

## **11 PRIVILEGE—STATEMENT BY MEMBER**

Mr Truss, by leave, made a statement in connection with a matter of privilege raised by him on 2 February 1994 relating to the unauthorised disclosure and publication of documents received by the Standing Committee on Environment, Recreation and the Arts. Mr Truss informed the House that the Standing Committee on Environment, Recreation and the Arts had considered the matter and had decided not to seek to refer the matter to the Committee of Privileges.

## **12 PETITIONS**

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Evans, from 19 petitioners, praying that the proposed scheme for the accreditation of child care centres set out in the Quality Improvement and Accreditation System Handbook be rejected.

Mr Fischer, from 24 petitioners, praying that no change be made to the design or colour of the Australian national flag and that Australia remain a democratic constitutional monarchy with the Queen as head of state, represented in Australia by a Governor-General.

Mr Forrest, from 189 residents of Victoria, praying that the ramifications of proposed legislation for child care centres be seriously considered.

Mr Howard, from 80 petitioners, praying that certain action be taken before 1 January 2001 to reaffirm that Australia is a Christian Commonwealth according to law and its heritage, traditions and customs.

Mr Howard, from 18 concerned parents and consumers, praying that certain action be taken to ensure that legislation controlling television protects the young and impressionable.

Dr Kemp, from 158 petitioners, praying that the increases in petrol excise proposed in the 1993-94 Budget be opposed.

Mrs Moylan, from 416 petitioners, praying that the limit on subsidised drugs and procedures associated with infertility treatment be abolished and unrestricted assistance be available.

Petitions received.

#### **13 ABOLITION OF COMMITTEE OF THE WHOLE—STATEMENT BY DEPUTY SPEAKER**

The Deputy Speaker made a statement relating to the amendments made to the standing and sessional orders on 10 February 1994, and informed the House that, as the committee of the whole no longer existed, any orders of the day that were set down for consideration in committee of the whole would now be considered in the House.

#### **14 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS**

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

10 February 1994—Message No. 113—

Nursing Home Charge (Imposition) 1994.

States Grants (Primary and Secondary Education Assistance) Amendment 1994.

15 February 1994—Message No. 114—Maritime Legislation Amendment 1994.

16 February 1994—Message—

No. 115—Commonwealth Electoral Amendment 1994.

No. 116—

Health Legislation (Professional Services Review) Amendment 1994.

National Health Amendment 1994.

#### **15 GRIEVANCE DEBATE**

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

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

Unique offenders 1991/92—Data provided by Victoria Police, Freedom of Information Office, to Mr Aldred, 26 October 1993.

Debate continued.

It being 5.15 p.m., the debate was interrupted in accordance with standing order 106.

Question—That grievances be noted—put and passed.

**16 MESSAGE FROM THE SENATE—OLYMPIC INSIGNIA PROTECTION AMENDMENT BILL 1993**

Message No. 199, dated 8 February 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the Olympic Insignia Protection Act 1987*”.

Bill read a first time.

*Paper:* Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**17 MESSAGE FROM THE SENATE—IMMIGRATION (GUARDIANSHIP OF CHILDREN) AMENDMENT BILL 1993**

Message No. 197, dated 8 February 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the Immigration (Guardianship of Children) Act 1946*”.

Bill read a first time.

*Paper:* Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**18 POSTPONEMENT OF BUSINESS**

Ordered—That business intervening before order of the day No. 19, government business, be postponed until a later hour this day.

**19 VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL (NO. 3) 1993—SENATE'S AMENDMENT**

The order of the day having been read for the consideration of the amendment made by the Senate, viz.:

**SCHEDULE OF THE AMENDMENT MADE BY THE SENATE**

Part 7, line 17 (page 51) to line 11 (page 57), omit the Part—

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) moved—That the amendment be disagreed to.

Debate ensued.

Dr Theophanous (Parliamentary Secretary to the Minister for Housing, Local Government and Human Services), who had already spoken, again addressed the House, by leave.

Question—put and passed.

Dr Theophanous moved—That Mr Quick, Mr O'Connor and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to the amendment of the Senate.

Question—put and passed.

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

*Reasons of the House of Representatives for disagreeing to the amendment of the Senate*

The Bill requires full passage to implement beneficial changes to service pension assessment and maintain the nexus of pension assessment with the Social Security Act.

The Senate amendment prevents the managed investment amendments contained in the Bill. The Opposition wants to delay any amendment to the income and assets tests until the independent review of the income and assets tests for service and social security pensions hands down its recommendations.

The Government could not responsibly delay these amendments awaiting the outcome of the review to become law. The Government is keen not to make any major changes until the review has been reported, but the measures contained in this Bill benefit service pensioners.

In particular, the managed investment amendments are to the advantage of service pensioners with these forms of investment. The measures clarify the operation of the existing legislation by:

- ensuring that all losses from managed investments can offset profits from other managed investments;
- ensuring that where an interim rate of return is declared, that return is applied and not an extrapolation of that rate; and
- introducing a safeguard to prevent a change in the status of an investment company from affecting the assessment of investments made with that company.

In the current economic climate a number of friendly societies have changed status to life offices. No income is held on friendly society investments made before 1 January 1988 until the investment is cashed in or “realised” in some other manner. The existing legislation treats the conversion of a friendly society to a life interest as an action that “realises” the investment even though the pensioner has no control in the changes made to the friendly society and has not physically withdrawn the investment.

Aside from the managed investment amendments other beneficial measures in the Bill are:

- the introduction of a Seniors Health Card for non-pensioner retirees who meet an income test and certain residency requirements;
- assisting families in providing greater flexibility in the delivery of child-related payments (eg, the ability to redirect part of the veteran’s child-related payment to his former partner where the custody of the child is shared but the former partner is the primary care-giver); and
- the exemption as income of payments received from the NEW Medically-Acquired HIV Trust.

Failure to pass the Bill as a whole will result in a piecemeal and inconsistent approach to pension assessment by creating differences and maintaining anomalies between social security and service pensioners.

On the motion of Dr Theophanous, the committee’s reasons were adopted, after debate.

**20 CORPORATE LAW REFORM BILL 1993—SENATE'S AMENDMENT**

The order of the day having been read for the consideration of the amendment made by the Senate, viz.:

**SCHEDULE OF THE AMENDMENT MADE BY THE SENATE**

Schedule 4, page 61, at end of proposed subsection 1274B(1), add “; but does not include the Commission's document imaging system”—

On the motion of Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), the amendment was agreed to, after debate.

**21 MINISTERS OF STATE AMENDMENT BILL 1994**

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—

*Paper:* Mr Sciacca (Parliamentary Secretary to the Minister for Administrative Services), by leave, presented a corrigendum to the explanatory memorandum to the Bill.

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 is of the opinion that:

- (1) the increased sum for the payment of salaries of Ministers of State should be limited to an amount sufficient to accord with the 1.5% increase to members of the Australian Public Service ratified by the Industrial Relations Commission with effect from 11 March 1994 and to allow for such reasonable contingencies as may arise; and
- (2) Ministers of State of the current Government should not receive automatic annual salary increases without due regard being paid to their performance of their functions as Ministers”.

Debate continued.

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

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

AYES, 75

Mr Adams	Mr Duncan	Mr Humphreys	Mr Punch
Mr Baldwin	Mrs Easson	Mr Jenkins	Mr Quick
Mr Beazley	Mr Elliott	Mr Jones	Mr Sawford
Mr Beddall	Ms Fatin	Ms Kelly	Mr Sciacca
Mr Bevis	Mr Ferguson	Mr Kerr	Mr L. J. Scott
Mr Bilney	Mr Fitzgibbon	Mr Knott	Mr Simmons
Mr Brereton	Mr Free	Mr Langmore	Mrs S. J. Smith
Mr Brown	Mr Gear	Mr Latham	Mr S. F. Smith
Mr Campbell	Mr Gibson	Mr Lavarch	Mr Snow
Mr Chynoweth	Mr Gorman	Mr Lee	Mr Snowdon
Mr Cleary	Mr Grace*	Mr Lindsay	Mr Staples
Mr Cleeland	Mr Griffin	Ms McHugh	Mr Swan
Ms Crawford	Mr Griffiths	Mr McLeay*	Mr Tanner
Mr Crean	Mr Haviland	Mr Melham	Dr Theophanous
Mrs Crosio	Ms Henzell	Mr A. A. Morris	Mr Tickner
Mr Cunningham	Mr Holding	Mr P. F. Morris	Mr Walker
Ms Deahm	Mr Hollis	Mr Newell	Mr Willis
Mr Dodd	Mr Horne	Mr O'Connor	Mr Woods
Mr Duffy	Mr Howe	Mr O'Keefe	

## NOES, 57

Mr Aldred	Mr Filing*	Mr Mack	Mr B. C. Scott
Mr Anderson	Mr Fischer	Mr McLachlan	Mr Sharp
Mr J. N. Andrew	Mr Forrest	Mr Miles	Mr Sinclair
Mr K. J. Andrews	Mrs Gallus	Mr Moore	Mr Slipper
Mr Atkinson	Mr Halverson	Mrs Moylan	Mr Somlyay
Mr Beale	Mr Hawker	Mr Nehl	Mrs Sullivan
Mr Bradford	Mr Hicks*	Mr Neville	Mr Taylor
Mr Cadman	Mr Howard	Mr Nugent	Mr Vaile
Mr Cameron	Mr Jull	Mr Peacock	Mr Wakelin
Mr Cobb	Mr Katter	Mr Prosser	Mr Williams
Mr Connolly	Dr Kemp	Mr Pyne	Dr Wooldridge
Mr Costello	Mr Lieberman	Mr Reid	Ms Worth
Mr Dobie	Mr Lloyd	Mr Rocher	
Mr Downer	Mr McArthur	Mr Ronaldson	
Mr Evans	Mr McGauran	Mr Ruddock	

\* Tellers

And so it was resolved in the affirmative.

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

*Message from the Governor-General:* Message No. 117, dated 11 February 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Sciacca, the Bill was read a third time.

## 22 ADJOURNMENT

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.50 p.m., adjourned until tomorrow at 12.30 p.m.

## PAPERS

The following papers were deemed to have been presented on 21 February 1994:

Australian Meat and Live-stock Corporation Act—Order No. M66/93.

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

105—Amendments 1994—February 1, 4(2), 7(2), 8, 15(3).

107—Amendments 1994—February 1, 15.

Defence Act—Defence Force Remuneration Tribunal—Determination 1994 No. 5.

Immigration (Education) Charge Act—Regulations—Statutory Rules 1994 No. 12.

Migration Act—Regulations—Statutory Rules 1994 Nos. 10, 11.

Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 1994 No. 7.

**National Health Act—**

Declaration 1994 No. PB3.

Determination No. 24SH 4/1993.

Regulations—Statutory Rules 1994 Nos. 2, 9.

**National Residue Survey Administration Act—Regulations—Statutory Rules 1994 No. 3.**

**Native Title Act—Regulations—Statutory Rules 1994 No. 6.**

**Primary Industries Levies and Charges Collection Act, National Residue Survey Administration Act, Horticultural Export Charge Act and Horticultural Levy Act—Regulations—Statutory Rules 1994 No. 4.**

**Student Assistance Act—Regulations—Statutory Rules 1994 No. 13.**

**Superannuation Act 1976—**

Determination under—

Section 240, 16 February 1994.

Section 241, 16 February 1994.

Regulations—Statutory Rules 1994 No. 8.

**Superannuation Act 1990—Declarations—Statutory Rules 1994 Nos. 14, 15, 16.**

**Telecommunications (Interception) Act—Regulations—Statutory Rules 1994 No. 5.**

**Veterans' Entitlements Act—Instrument 1994 No. 1.**

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Braithwaite.

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**L. M. BARLIN**

Clerk of the House of Representatives