

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 72

MONDAY, 30 MAY 1994

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 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Melham (Chairman) presented the following report and related papers:

Legal and Constitutional Affairs—Standing Committee—Law reform: The challenge continues—Report of the inquiry into the role and function of the Law Reform Commission of Australia—

Report, incorporating a dissenting report, 30 May 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Melham and Mr Cadman made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Melham moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Monday.

**3 ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Gibson (Chairman) presented the following report and related papers:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Review of Auditor-General's audit reports No. 36, 1992-93; No. 1, 1993-94—Volume 3, sections 1.13-1.39; and No. 27, 1993-94—Sections 16.19-16.24—

Report, incorporating a dissenting report, 5 May 1994.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Gibson and Mr Nehl made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Gibson moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Monday.

#### 4 ENVIRONMENT, RECREATION AND THE ARTS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Langmore (Chairman) presented the following report and related papers:

Environment, Recreation and the Arts—Standing Committee—Greenhouse response: Effectiveness of the implementation of an interim program—Review of audit report—No. 32 1992-93—Efficiency audit—Implementation of an interim greenhouse response—

Report, 12 May 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Langmore, Mr Truss, Mr Newell, Mrs Moylan and Mr Chynoweth made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Langmore moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Monday.

#### 5 CAPE YORK PENINSULA

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

- (1) recognises that Cape York Peninsula is a vast, diverse and important region of tropical Australia that is—
  - (a) economically important as a resource base for the mining, fishing, tourism and pastoral industries;
  - (b) culturally important as the traditional homelands of Aboriginal and Torres Strait Islander people; and
  - (c) ecologically important as one of the world's last monsoonal regions undamaged by industrialised society;
- (2) notes that a unique Commonwealth-State agreement has set up the Cape York Peninsula Land Use Strategy (CYPLUS) as a framework for making decisions about how to use and manage the natural resources of Cape York Peninsula in ways that will be economically, culturally and ecologically sustainable;
- (3) commends the outstanding work that has been done by the CYPLUS Task Force and representative community groups during the past two years on Stage I of CYPLUS gathering information about the environment, the community and the land use;
- (4) calls on the Queensland and Commonwealth Governments to adequately fund Stage II of the study which is intended to develop the policy and framework for land use decision making on Cape York; and

- (5) emphasises that a key component of funding for Stage II must be full support for both a Community Regional Advisory Committee and for the various community interest groups on Cape York.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Hawker was granted leave to continue his speech when the debate is resumed.

## 6 NUCLEAR WEAPONS

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

- (1) notes that Parliamentarians for Global Action (Australian Parliamentary Group) supports the initiative to request an advisory opinion from the World Court on the illegality of the use of nuclear weapons;
- (2) requests the Minister for Foreign Affairs to express Australia's support for this initiative; and
- (3) calls on the Australian Government, through the Minister for Foreign Affairs, to:
  - (a) make submissions to the International Court of Justice at The Hague (the World Court) supporting the aim of declaring nuclear weapons illegal; and
  - (b) support a future UN General Assembly vote in favour of having an advisory opinion from the World Court on the illegality of nuclear weapons written into international law.

Debate ensued.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting Monday.

## 7 THE FAMILY

Mr Aldred, pursuant to notice, moved—That, while welcoming the fact that the overwhelming majority of Australians choose to live in intact families, this House:

- (1) expresses grave concern about the acute social and economic pressures that have brought about a situation where (a) 40 000 families are expected to become homeless in 1994, (b) 800 000 children live in homes where neither parent is employed, (c) the divorce rate is now 40 per cent of the marriages taking place annually, (d) 5072 children aged between 5 and 17 were sexually abused in 1993 and (e) 5479 children aged between 5 and 17 were physically abused in 1993; and
- (2) calls upon all political parties in this House to develop policies that:
  - (a) aim to weld the family together and sustain it through adverse circumstances;
  - (b) in the taxation area, positively discriminate in favour of the family; and
  - (c) in the operation of the Family Law Act emphasise reconciliation where possible.

Debate ensued.

It being 2.45 p.m., the debate was interrupted in accordance with standing order 104A, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Adams was granted leave to continue his speech when the debate is resumed.

#### 8 MEMBERS' STATEMENTS

Members' statements were made.

#### 9 LEADERSHIP AND WHIPS OF THE LIBERAL PARTY OF AUSTRALIA

Mr Downer, as Leader of the Opposition, informed the House that the Parliamentary Liberal Party had elected him as its Leader and Mr Costello as its Deputy Leader. Mr Halverson and Mr Hawker had been appointed Opposition Whip and Deputy Opposition Whip, respectively.

*Paper:* Mr Downer, by leave, presented a list of the members of the shadow Ministry.

Mr Keating (Prime Minister) congratulated Mr Downer.

#### 10 DEATH OF FORMER MEMBER (THE HONOURABLE SIR JOHN CRAMER)

Mr Keating (Prime Minister) referred to the death of the Honourable Sir John Cramer, and moved—That the House expresses its deep regret at the death on Wednesday, 18 May 1994, of Sir John Oscar Cramer, Minister for the Army from 1956 to 1963 and Member of the House of Representatives for Bennelong from 1949 to 1974, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

And Mr Downer (Leader of the Opposition) having seconded the motion, and Mr Fischer (Leader of the National Party of Australia) and other Members having addressed the House in support thereof, and all Members present having risen, in silence—

Question—passed.

#### 11 PAPER

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

Roster of Ministers to attend question time as at 30 May 1994.

#### 12 QUESTIONS

Questions without notice being asked—

*Member ordered to withdraw:* At 4.30 p.m. the Member for Cowan (Mr R.D.C. Evans) was ordered, under standing order 304A, to withdraw from the House for 1 hour for continuing to interject after having been warned by the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continued.

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

Mr Bradford, Mr Cobb, Mr Elliott, Mr Filing, Dr Hewson, Mr McGauran and Ms Worth, from 400, 1066, 13, 1184, 330, 10 and 4080 petitioners, respectively, praying that funding for breast cancer research be increased tenfold in the Budget and initiatives to encourage donations for research be considered.

Mr Aldred, Mr Cunningham, Mr Ferguson, Mr Howard, Mr McGauran and Mr Reith, from 79, 310, 111, 8, 301 and 70 petitioners, respectively, praying that Anzac Day be declared Australia's National Day of Commemoration and that it be held on 25 April each year and on no other day.

Mr K. J. Andrews, Mr Beale, Mr Chynoweth and Mr Reith, from 2250, 80, 1627 and 2098 petitioners, respectively, praying for certain changes to the Family Law Act and the Child Support Scheme.

Mr R. D. C. Evans and Mr Williams, from 1339 and 13 petitioners, respectively, praying that greater resources be made available for research into breast cancer.

Mr Forrest, from 21 petitioners, praying that tax deductibility in the order of 150 per cent on approved land care expenditures be granted.

Mr Haviland, from 257 petitioners, praying that light aircraft be banned from carrying out manoeuvres over the residential area of Wallacia, NSW.

Mr Hawker, from 99 petitioners, praying that no action be taken to change the national flag unless approved by the people of Australia in a national poll.

Mr Howard, from 107 residents of New South Wales, praying that the Grant-in-Aid program at Christian Community Aid Service Incorporated, Eastwood, NSW, continue to be funded.

Mr Humphreys, from 337 petitioners, praying that women remain eligible for the age pension from the age of 60.

Mr Moore, from 28 petitioners, praying that the guidelines for homeless rate recipients be reviewed and greater commitment shown to programs which prevent family breakdown.

Mr Neville, from 30 petitioners, praying that certain action be taken to create jobs in State forests.

Mr Pyne, from 24 petitioners, praying that certain measures be taken that would prevent members of parliament, retired members and top bureaucrats from plundering the public purse.

Mr Sawford, from 89 petitioners, praying that the Resident Classification Instrument relating to the care of incontinent frail persons be reviewed.

Mr S. F. Smith, from 746 petitioners, praying that subsidised incontinence pads and apparel be made available by prescription from appropriate health professionals.

Mr Tuckey, from 5 petitioners, praying that the proposal to charge off-road users of diesel fuel a tax equal to one per cent of the diesel fuel rebate be abandoned.

Petitions received.

#### 14 SUSPENSION OF STANDING AND SESSIONAL ORDERS—GRIEVANCE DEBATE

Mr Beazley (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent order of the day No. 1, government business (Grievance debate), when called on, continuing for a period not exceeding 1 hour.

Question—put and passed.

#### 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.

The time allotted for the Grievance debate having expired—

Question—That grievances be noted—put and passed.

**16 PARLIAMENTARY ZONE—EQUIPMENT SHED FOR GARDENERS' COMPOUND—APPROVAL OF PROPOSAL**

Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), for Mr Beazley (Leader of the House), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 9 May 1994, namely: Equipment shed for the gardeners' compound at Parliament House.

Question—put and passed.

**17 PAPER**

Mr Lavarch (Attorney-General) presented the following paper:

Federal Race Discrimination Commissioner—Water: A report on the provision of water and sanitation in remote Aboriginal and Torres Strait Islander communities, 16 May 1994.

**18 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER**

The Second Deputy Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 36 of 1993-94—Project audit—Australian National Maritime Museum commercial operations.

Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 36 of 1993-94; and
- (2) the report be printed.

Question—put and passed.

**19 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:

19 May 1994—Message No. 151—

Defence Force (Home Loans Assistance) Amendment 1994.

Excise Tariff Amendment 1994.

Social Security Legislation Amendment 1994.

30 May 1994—Message—

No. 152—Transport and Communications Legislation Amendment 1994.

No. 153—Commonwealth Reciprocal Recovery Legislation Amendment 1994.

No. 154—

Crimes (Search Warrants and Powers of Arrest) Amendment 1994.

Aboriginal Land Rights (Northern Territory) Amendment 1994.  
Telecommunications Amendment 1994.

## 20 MESSAGES FROM THE SENATE

Messages from the Senate, dated 12 May 1994, were reported:

- (a) transmitting a resolution agreed to by the Senate approving, in accordance with section 5 of the *Parliament Act 1974*, the proposal by the Joint House Department for capital works within the Parliamentary Zone, being the erection of an equipment shed for the gardeners' compound at Parliament House, approved by the Presiding Officers on 23 February 1994 and presented to the Senate on 11 May 1994—Message No. 270.
- (b) acquainting the House that Senator Forshaw had been appointed a member of the Joint Committee of Public Accounts in place of Senator Reynolds, discharged—Message No 272.

## 21 MESSAGE FROM THE SENATE—BANKING (STATE BANK OF SOUTH AUSTRALIA AND OTHER MATTERS) BILL 1994

Message No. 269, dated 9 May 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act relating to banking*".

Bill read a first time.

*Paper:* Mr Elliott (Parliamentary Secretary to the Treasurer) presented an explanatory memorandum to the Bill.

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

## 22 MESSAGE FROM THE SENATE—INDUSTRY, SCIENCE AND TECHNOLOGY LEGISLATION AMENDMENT BILL 1994

Message No. 265, dated 9 May 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend various Acts relating to matters dealt with by the Department of Industry, Science and Technology, and for related purposes*".

Bill read a first time.

*Paper:* Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) presented an explanatory memorandum to the Bill.

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

## 23 MESSAGE FROM THE SENATE—INTERNATIONAL WAR CRIMES TRIBUNAL BILL 1994

Message No. 261, dated 4 May 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to provide for the Commonwealth to help the International War Crimes Tribunal perform its functions, and for related purposes*".

Bill read a first time.

*Paper:* Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development) presented an explanatory memorandum to the Bill.

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

**24 MESSAGE FROM THE SENATE—LAW AND JUSTICE LEGISLATION AMENDMENT BILL 1994**

Message No. 271, dated 11 May 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend various Acts relating to law and justice, and for related purposes*".

Bill read a first time.

*Paper:* Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development) presented an explanatory memorandum to the Bill.

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

**25 MESSAGE FROM THE SENATE—HEALTH LEGISLATION (POWERS OF INVESTIGATION) AMENDMENT BILL 1994**

Message No. 268, dated 9 May 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Health Insurance Act 1973', the 'Health Insurance Commission Act 1973' and the 'National Health Act 1953'*".

Bill read a first time.

*Paper:* Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health) presented an explanatory memorandum to the Bill.

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

**26 MESSAGE FROM THE SENATE—ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 1994**

Message No. 264, dated 9 May 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Aboriginal and Torres Strait Islander Commission Act 1989', and for related purposes*".

Bill read a first time.

*Paper:* Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development) presented an explanatory memorandum to the Bill.

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

**27 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—ADVISORY REPORT—STATEMENTS BY MEMBERS**

Mr Melham (Chairman) presented the following advisory report and related papers:

Legal and Constitutional Affairs—Standing Committee—Crimes (Child Sex Tourism) Amendment Bill 1994—

Advisory report, 30 May 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Melham, Mr Cadman, Mr Duffy, Mr Williams, Mr Staples, Mr Sinclair, Mr Latham and Mr Pyne, by leave, made statements in connection with the report.



28 MESSAGE FROM THE SENATE—STUDENT ASSISTANCE AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 266

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Student Assistance Act 1973’ and the ‘Student Assistance Amendment Act 1992’, and for related purposes*”, and requests the House to amend the bill as indicated by Schedule A annexed.

The Senate desires to inform the House that the amendments indicated by Schedule B annexed have been made by the Senate in the bill.

MICHAEL BEAHAN  
President

The Senate

Canberra, 11 May 1994

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUESTS BY THE SENATE FOR  
AMENDMENTS

No. 1—Clause 2, page 2, after subclause (4) insert the following subclause:

“(4A) Item 12A of the Schedule is taken to have commenced on 1 January 1994.”.

No. 2—Schedule, page 5, after item 12 insert the following item:

“12A. After section 7 in Part 2:

Insert:

**Concession to parental assets test**

‘8. In determining what benefit is payable under this Part, a parental assets test is not to be applied in the calculation of a student’s living allowance if the parent is entitled to a Health Care Card issued by the Department of Social Security for the purposes of the *National Health Act 1953*.’.

Mr Free (Minister for Schools, Vocational Education and Training) moved—That the requested amendments be not made.

Debate ensued.

Question—put.

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

## AYES, 75

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

## NOES, 62

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

\* Tellers

And so it was resolved in the affirmative.

## 29 APPROPRIATION BILL (NO. 1) 1994-95—BUDGET DEBATE

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 (Dr Wooldridge), and the resumption of the debate made an order of the day for the next sitting.

## 30 ADJOURNMENT

It being approximately 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.59 p.m., adjourned until tomorrow at 12.30 p.m.

**PAPERS**

The following papers were deemed to have been presented on 30 May 1994:

Aboriginal and Torres Strait Islander Heritage Protection Act—Declaration under section 9, 4 March 1994.

Australian Meat and Live-stock Corporation Act—Orders Nos. M69/94, MQ54/94.

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

105—Amendments, 5, 10, 11, 12, 13, 16, 20(3) May 1994.

106—Amendment, 13 May 1994.

107—Amendments, 5, 6, 10, 11, 12, 19 May 1994.

108—Amendment, 24 May 1994.

Copyright Act—Declaration under section 10A, 20 April 1994.

Endangered Species Protection Act—Declaration 1994 No. ESP 1.

Export Market Development Grants Act—Guidelines under section 42, 9 May 1994.

Health Insurance Act—

Declaration—QAA No. 2/1994.

Determination 1994 No. HS/2.

Directions under section 106K, 9 May 1994.

Guidelines under section 87, 9 May 1994.

Meat Inspection Act—Meat Inspection Orders 1994 No. 2.

National Health Act—

Declaration 1994 No. PB 7.

Determination 1994 No. PB 8.

Navigation Act—Orders 1994 No. 4.

States Grants (Petroleum Products) Act—Amendment of schemes No. 94/01.

*Superannuation Act 1976*—Determinations under section—

133—No. 2.

134—No. 3.

240—No. 4.

241—No. 4.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Dr Hewson and Mr Snowdon.

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**L. M. BARLIN**

Clerk of the House of Representatives