

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 84

TUESDAY, 23 AUGUST 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 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:

30 June 1994—Message—

No. 170—

Industrial Relations Amendment (No.2) 1994.

Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment 1994.

No. 171—

Aboriginal Land (Lake Condah and Framlingham Forest) Amendment 1994.

Aboriginal and Torres Strait Islander Commission Amendment 1994.

Automotive Industry Authority Repeal 1994.

Pooled Development Funds Amendment 1994.

Training Guarantee (Suspension) 1994.

5 July 1994—Message No. 172—

Corporations Legislation Amendment 1994.

Crimes (Child Sex Tourism) Amendment 1994.

Financial Agreement 1994.

National Debt Sinking Fund Repeal 1994.

12 July 1994—Message—

No. 173—Social Security Legislation Amendment (No. 2) 1994.

No. 174—Industry, Science and Technology Legislation Amendment 1994.

3 MESSAGE FROM THE SENATE—PUBLIC ACCOUNTS—JOINT COMMITTEE—REFERENCE

The following message from the Senate was reported:

Mr Speaker,

The Senate acquaints the House of Representatives of the following resolution agreed to by the Senate this day:

That the proposed resolution for the establishment of an Audit Committee be referred to the Joint Committee of Public Accounts for inquiry and report by 23 August 1994, and that the Committee, in conducting its inquiry, give particular attention to the appropriateness of establishing a separate committee rather than conferring the functions of the proposed committee on the Joint Committee of Public Accounts.

The text of the proposed resolution is as follows:

- (1) That a joint standing committee, to be known as the Audit Committee of Parliament, be appointed to:
 - (a) advise the Auditor-General of the committee's audit priorities in respect of Commonwealth bodies;
 - (b) advise the responsible Minister in relation to a government business enterprise (GBE) that the committee attaches a priority to a performance audit being undertaken of certain activities of that GBE, for the purpose of requesting that Minister, where appropriate, to seek the Auditor-General's agreement to undertake the performance audit;
 - (c) consider the resources of the Australian National Audit Office (ANAO) for the purposes of assessing the effectiveness of the ANAO in undertaking its charter and the adequacy of resource levels, including charge-out rates, to undertake an appropriate program of audit coverage; and as appropriate, make recommendations to the Auditor-General and/or the Executive Government; and
 - (d) report to both Houses on any matters arising out of the committee's consideration of ANAO resources, reports of the Independent Auditor on the operations of the ANAO, or other matters relating to the performance of the Auditor-General's functions which the committee considers should be drawn to the attention of the Parliament.
- (2) That the committee consist of:
 - (a) the Speaker of the House and the President of the Senate each alternating as chairman and deputy chairman for periods determined by the committee;
 - (b) the chairman of the Joint Committee of Public Accounts;
 - (c) two Members of the House of Representatives to be nominated by the Government Whip or Whips, three Members of the House of Representatives to be nominated by the Opposition Whip or Whips; and
 - (d) one Senator to be nominated by the Leader of the Government in the Senate, one Senator to be nominated by the Leader of the Opposition in the Senate, and one Senator to be nominated by any minority groups or independent Senators.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.

- (4) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
- (5) That the deputy chairman shall act as chairman of the committee at any time when the chairman is not present at a meeting of the committee, and that at any time when the chairman and deputy chairman are not present at a meeting of the committee, the members present shall elect another member to act as chairman at that meeting.
- (6) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any of the matters which the committee is empowered to examine.
- (7) That the committee appoint the chairman of each subcommittee who shall have a casting vote only, and at the time when the chairman of a subcommittee is not present at a meeting of a subcommittee, the members of the subcommittee present shall elect another member of that subcommittee to act as chairman at that meeting.
- (8) That the committee or any subcommittee have power to send for persons, papers and records, to move from place to place, to adjourn from time to time, and to sit during any adjournment of the Senate and the House of Representatives.
- (9) That five members of the committee constitute a quorum of the committee, and a majority of members of a subcommittee constitute a quorum of that subcommittee.
- (10) That in matters of procedure the chairman or deputy chairman presiding at the meeting have a deliberative vote and, in the event of an equality of voting, have a casting vote, and that, in other matters, the chairman or deputy chairman have a deliberative vote only.
- (11) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (12) That the committee have leave to report from time to time.
- (13) That a message be sent to the House of Representatives acquainting it of this resolution and requesting that it concur and take action accordingly.

MICHAEL BEAHAN
President

The Senate

Canberra, 30 June 1994

4 ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Debate ensued.

Mr Holding addressing the House—

It being 3 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.

5 PAPER

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

Roster of Ministers to attend question time as at 23 August 1994.

6 QUESTIONS

Questions without notice were asked.

7 PAPER—STATEMENT BY SPEAKER

The Speaker presented the following paper:

House of Representatives—Text of the standing and sessional orders prepared in pursuance of the resolution of the House of 30 June 1994, 19 August 1994—
and made a statement in connection with the paper.

8 PAPERS

The following papers were presented:

Aboriginal Deaths in Custody—Royal Commission—Implementation of Northern Territory Government responses to the recommendations of the Royal Commission—Report for 1992-93.

Advance to the Minister for Finance—

Statements for June 1994.

Supporting applications of issues from the Advance during June 1994.

Advisory Panel on the Marketing in Australia of Infant Formula—1st report, August 1994.

Agriculture and Resource Management Council of Australia and New Zealand—Record and Resolutions—2nd meeting, Hobart, 29 April 1994.

Employment, Education and Training Act—National Board of Employment, Education and Training—Australian Research Council, including the Board's comments—Report—Reviews of grants outcomes No. 14—Psychology 1986-1990.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report of the Human Rights Commissioner on certain provisions of the Tasmanian Criminal Code.

Industry Commission Act—Industry Commission—Report No. 38—Meat processing, 20 April 1994—

Volume I—Report.

Volume II—Appendices.

Law Reform Commission Act—Law Reform Commission—Report No. 69—Part I—Equality before the law: Justice for women.

Provision for running costs borrowings—

Statement for June 1994.

Supporting applications for issues from the Provision during June 1994.

Torres Strait Fisheries Act—Protected Zone Joint Authority—Report for 1992-93.

United Nations General Assembly—47th session, 1992—Report of the Australian Delegation.

9 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Advisory Panel on the Marketing in Australia of Infant Formula—1st report, August 1994.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report of the Human Rights Commissioner on certain provisions of the Tasmanian Criminal Code.

Law Reform Commission Act—Law Reform Commission—Report No. 69—Part I—Equality before the law: Justice for women.

United Nations General Assembly—47th session, 1992—Report of the Australian Delegation.

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

10 PAPERS

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

Petitions not in accord with standing and sessional orders of the House—

Family Law Act (Mr Willis, 682 petitioners).

Opposition to the practice of vivisection (Mr Keating, 50 petitioners).

Recommendation for part of the national highway link to be Prospect Highway, Seven Hills and Blacktown (Mr Gorman, 744 petitioners).

11 ADVISORY PANEL ON THE MARKETING IN AUSTRALIA OF INFANT FORMULA—REPORT—PUBLICATION OF PAPER

Mr Beazley (Leader of the House), by leave, moved—That this House authorises the publication of the first report of the Advisory Panel on the Marketing in Australia of Infant Formula.

Question—put and passed.

12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ANL

The House was informed that Mr Sharp had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The incompetence of the Government’s handling of ANL which has resulted in the taxpayers of Australia losing \$290m in the value of ANL in the last two years”.

The proposed discussion having received the necessary support—

Mr Sharp addressed the House.

Discussion ensued.

Discussion concluded.

13 PUBLIC ACCOUNTS—JOINT COMMITTEE—EXTENSION OF TIME FOR ADVISORY REPORT

Mr Punch (Minister for Defence Science and Personnel), by leave, moved—That the time for the Joint Committee of Public Accounts to present its advisory report on the Auditor-General Bill 1994, Commonwealth Authorities and Companies Bill 1994 and Financial Management and Accountability Bill 1994 be extended to 22 September 1994.

Question—put and passed.

14 POSTPONEMENT OF ORDER OF THE DAY

Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

15 MATTERS REFERRED TO MAIN COMMITTEE

Mr McLeay (Chief Government Whip), pursuant to notice, moved—That:

- (1) the following Bills be referred to the Main Committee on Wednesday, 24 August 1994 and Thursday, 25 August 1994 for the second reading and consideration in detail stages:

Primary Industries Levies and Charges Collection Amendment Bill 1994;
 Horticultural Export Charge Amendment Bill 1994;
 Horticultural Levy Amendment Bill 1994;
 Grain Legumes Levy Amendment Bill 1994;
 Oilseeds Levy Amendment Bill 1994;
 Coarse Grains Levy Amendment Bill 1994;
 Vocational Education and Training Funding Amendment Bill 1994;
 Environment, Sport and Territories Legislation Amendment Bill 1994;
 Evidence Bill 1993; and
 Evidence (Transitional Provisions and Consequential Amendments) Bill 1994;

- (2) if the Main Committee does not consider or complete its consideration of a Bill before it adjourns on Thursday, 25 August 1994, that Bill shall be returned to the House for consideration;
- (3) the remaining stages of any Bill returned to the House for consideration shall be set down as an order of the day for a later hour; and
- (4) the following orders of the day be referred to the Main Committee on Wednesday, 24 August 1994 and Thursday, 25 August 1994 for debate:

Bougainville—Report of Australian Parliamentary Delegation—Motion to take note of paper: Resumption of debate;

Shoalwater Bay, Qld—Report of Commission of Inquiry—Motion to take note of paper: Resumption of debate;

Aboriginal deaths in custody—Royal Commission—South Australian 1993 implementation report—Motion to take note of paper: Resumption of debate;

Australian investment in South-east Asia—Paper—Motion to take note of paper: Resumption of debate;

Australia's India strategy—Paper—Motion to take note of paper: Resumption of debate;

Landcare Australia—Report—Motion to take note of paper: Resumption of debate;

Human rights—World conference—Papers—Motion to take note of papers: Resumption of debate;

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

Access to justice—Paper—Motion to take note of paper: Resumption of debate; and

Industry Commission—Report on urban transport—Motion to take note of papers: Resumption of debate.

Question—put and passed.

16 ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) 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—

Debate resumed.

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

Message from the Governor-General: Message No. 175, dated 6 June 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 Free (Minister for Schools, Vocational Education and Training), the Bill was read a third time.

17 TAXATION LAWS AMENDMENT BILL (NO. 3) 1994

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

Debate ensued.

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

Mr Baldwin (Minister for Social Security) requiring the question to be put forthwith without debate—

Question—put and negatived.

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

18 SELECTION COMMITTEE—REPORT

Mr Jenkins (Chairman) presented the following report:

Selection Committee—Report relating to the program of business prior to 2.45 p.m. on Monday, 29 August 1994.

19 ADJOURNMENT

Mr Crean (Minister for Employment, Education and Training) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.40 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 23 August 1994:
 Aboriginal and Torres Strait Islander Commission Act—Determinations under sections—

77B and 194—1994 No. 1.

142M and 194—1994 No. 1.

143K and 194—1994 No. 1.

143N—1994 No. 1.

144J and 194—1994 No. 1.

144ZG and 194—1994 No. 1.

Aboriginal and Torres Strait Islander Commission Amendment Act (No.3) 1993—Determination under section 38, 5 July 1994.

Aboriginal and Torres Strait Islander Heritage Protection Act—Declarations under section—

9, 9 June 1994.

10—1994 No. 9.

12—1994 No. 8.

Aged or Disabled Persons Care Act—Determination No. 1994-95/GC1.

Agricultural and Veterinary Chemicals Act—Regulations—Statutory Rules 1994 No. 216.

Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Act—Regulations—Statutory Rules 1994 No. 215.

Audit Act—Regulations—Statutory Rules 1994 No. 213.

Australian Citizenship Act—Regulations—Statutory Rules 1994 Nos. 218, 262.

Australian National University Act—Statutes Nos. 231, 232.

Australian Nuclear Science and Technology Organisation Act—Regulations—Statutory Rules 1994 No. 259.

Australian Postal Corporation Act—Regulations—Statutory Rules 1994 No. 243.

Bankruptcy Act—Rules—Statutory Rules 1994 No. 214.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1994 No. 207.

Broadcasting Services Act—Notice No. BSE1/94.

Christmas Island Act—

Casino Control Ordinance—Appointment of members of the Casino Surveillance Authority, 17 July 1994.

Ordinance 1994 No. 2.

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Orders—Parts—

105—Amendments 1994, 24, 30(2) June, 1, 4(2), 5, 7, 8(2), 12(2), 13(3), 14(3), 20(2), 21(2), 22, 28, 29(2), July, 1, 2(2), 3(2), 4, 5, 8, 10 August.

106—Amendments 1994, 13, 14, 29 July, 3 August.

107—Amendments 1994, 29 June, 1, 8, 12 July, 5 August.

Exemptions 1994 Nos. 3, 5.

Regulations—Statutory Rules 1994 No. 260.

- Cocos (Keeling) Islands Act—Ordinance 1994 No. 3.
- Corporations Act—Regulations—Statutory Rules 1994 Nos. 199, 221, 251.
- Customs Act—Regulations—Statutory Rules 1994 Nos. 241, 242.
- Defence Act—
- Defence Force Remuneration Tribunal—Determination 1994 No. 12.
 - Determinations under section 58B 1994 Nos. 25, 26, 27, 28, 29, 30, 31, 32.
 - Regulations—Statutory Rules 1994 No. 245.
- Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act—Regulations—Statutory Rules 1994 No. 282.
- Export Control Act—Export Control (Orders) Regulations—Livestock Export Orders 1994 No. 1.
- Family Law Act—Regulations—Statutory Rules 1994 No. 252, 275.
- Federal Court of Australia Act—Rules of Court—Statutory Rules 1994 Nos. 224, 279.
- Fisheries Levy Act—Regulations—Statutory Rules 1994 No. 235.
- Fishing Levy Act and Fisheries Management Act—Regulations—Statutory Rules 1994 Nos. 234, 236.
- Health Insurance Act—Regulations—Statutory Rules 1994 Nos. 233, 276.
- Health Insurance Commission Act—Regulations—Statutory Rules 1994 No. 257.
- Higher Education Funding Act—Determinations Nos. T18/94, T19/94.
- Horticultural Policy Council Act—Horticultural Policy Council Orders 1994 No. 1.
- Immigration (Education) Charge Act—Regulations—Statutory Rules 1994 No. 263.
- Imported Food Control Act—Regulations—Orders 1994 No. 2.
- Income Tax Assessment Act—Regulations—Statutory Rules 1994 No. 219.
- Industrial Relations Act—
- Regulations—Statutory Rules 1994 No. 244.
 - Rules—Statutory Rules 1994 No. 246.
- Insurance Act—Regulations—Statutory Rules 1994 No. 277.
- Interstate Road Transport Act—Regulations—Statutory Rules 1994 No. 255.
- Lands Acquisition Act—Statements under—
- Section 40 (2).
 - Section 125.
- Marine Navigation Levy Act—Regulations—Statutory Rules 1994 No. 206.
- Migration Act—Regulations—Statutory Rules 1994 Nos. 240, 264, 265, 266, 267, 268, 280.
- Migration Act and Migration Reform Act—Regulations—Statutory Rules 1994 Nos. 261, 281.
- Military Superannuation and Benefits Act—Declaration—Statutory Rules 1994 No. 278.

National Health Act—

Declarations 1994 Nos. PB 10, PB 11.

Determinations 1994 Nos. PB 12, HIT 6, HIT 7, HIT 8.

Regulations—Statutory Rules 1994 Nos. 201, 253, 256.

Native Title Act—Regulations—Statutory Rules 1994 No. 239.

Navigation Act—Orders 1994 Nos. 7, 8, 9.

Passports Act—Regulations—Statutory Rules 1994 No. 205.

Petroleum (Submerged Lands) Fees Act—Regulations—Statutory Rules 1994 No. 237.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 1994 No. 203.

Primary Industries Levies and Charges Collection Act, Forest Industries Research Export Charge Act, Forest Industries Research Import Charge Act and Forest Industries Research Levy Act—Regulations—Statutory Rules 1994 No. 204.

Proceeds of Crime Act—Regulations—Statutory Rules 1994 No. 238.

Proclamation by His Excellency the Governor-General fixing the dates on which the following Act and provisions of an Act shall come into operation—

Law and Justice Legislation Amendment Act 1994—

Part 3—3 July 1994.

Part 7—1 July 1994.

*Maritime Legislation Amendment Act 1994—*1 August 1994.

Public Service Act—

Determinations 1994 Nos. 38, 39, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 137, 138, 139, 140, 141, 142, LES 10, LES 11, LES 12, LES 13, LES 14, LES 15.

Parliamentary Presiding Officers' Determination 1994 No. 4.

Regulations—Statutory Rules 1994 No. 202.

Quarantine Act—Regulations—Statutory Rules 1994 No. 274.

Remuneration Tribunal Act—Remuneration Tribunal—

Determinations 1994 Nos. 11, 12, 13, 14, 15, 16, 17.

Report 1994 No. 1.

Safety Rehabilitation and Compensation Act—

Notices 1994 Nos. ACT1, CA1, Pe1.

Regulations—Statutory Rules 1994 No. 258.

Seat of Government (Administration) Act—Determination of fees for the purposes of the ACT Classification of Publications Ordinance, 9 June 1994.

Superannuation Act 1976—

Declaration—Statutory Rules 1994 No. 212.

Determination under section 240—No. 5.

Regulations—Statutory Rules 1994 Nos. 231, 232, 247, 248, 249, 271, 272, 273.

Superannuation Act 1990—

Eighth amending deed to the deed to establish an occupational superannuation scheme for Commonwealth employees and certain other persons, pursuant to section 5, 28 June 1994.

Declarations—Statutory Rules 1994 Nos. 217, 250, 269, 270.

Superannuation (Productivity Benefit) Act—

Declarations—Statutory Rules 1994 Nos. 208, 209, 210.

Determination—Statutory Rules 1994 No. 211.

*Supported Accommodation Assistance Act 1989—*Variation agreements in relation to the Supported Accommodation Assistance Program between the Commonwealth and—

Northern Territory, 14 June 1994.

Tasmania, 20 June 1994.

Western Australia, 15 June 1994.

*Taxation (Interest on Overpayments) Act—*Regulations—Statutory Rules 1994 No. 220.

*Telecommunications (Carrier Licence Fees) Act—*Regulations—Statutory Rules 1994 No. 225.

*Therapeutic Goods Act—*Regulations—Statutory Rules 1994 Nos. 222, 223.

*Veterans' Entitlements Act—*Instruments 1994 Nos. 2, 4, 8.

*Wheat Marketing Act—*Regulations—Statutory Rules 1994 No. 254.

*Wool Tax Act (No. 1)—*Regulations—Statutory Rules 1994 No. 226.

*Wool Tax Act (No. 2)—*Regulations—Statutory Rules 1994 No. 227.

*Wool Tax Act (No. 3)—*Regulations—Statutory Rules 1994 No. 228.

*Wool Tax Act (No. 4)—*Regulations—Statutory Rules 1994 No. 229.

*Wool Tax Act (No. 5)—*Regulations—Statutory Rules 1994 No. 230.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Bilney, Ms Deahm, Mr Dobie, Mr Elliott, Mr Gibson, Mr Howard, Mr Howe, Mr Johns, Mr Katter, Mr Keating, Mr Kerr, Mr Langmore, Dr Lawrence, Ms McHugh, Mr Reid, Mr B. C. Scott and Mr Tickner.

L. M. BARLIN

Clerk of the House of Representatives