

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 91

MONDAY, 19 SEPTEMBER 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 RESIGNATION OF MEMBER

The Speaker announced that, on 17 September 1994, he had received from the Honourable Andrew Sharp Peacock, a letter resigning his seat as Member for the electoral division of Kooyong, in the State of Victoria, and that he would be consulting with Party Leaders concerning the date of the by-election.

3 ABORIGINAL RECONCILIATION

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

- (1) notes that in 1991 the Parliament of the Commonwealth unanimously enacted the *Council for Aboriginal Reconciliation Act 1991* to promote a process of reconciliation between the indigenous and wider Australian communities;
- (2) supports the concept of constructive reconciliation between the indigenous and wider Australian communities;
- (3) in acknowledgment of this support, adopts the vision of the Council for Aboriginal Reconciliation, namely, “a united Australia which represents this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all” as a vision shared by this Chamber; and
- (4) invites Members and Senators of the Commonwealth Parliament of Australia to establish an organisation to advance the reconciliation process to be called Australian Parliamentarians for Aboriginal Reconciliation.

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.

4 ECONOMIC EXPLOITATION OF CHILDREN

Mr Cleary, pursuant to notice, moved—That this House, cognisant as it is of Australia’s opposition to the economic exploitation of children, as expressed in Article 32 of the Convention on the Rights of the Child, calls on the Government to enact legislation to prohibit the importation of goods produced by child labour.

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.

5 RIVER MURRAY BASIN

Mr J. N. Andrew, pursuant to notice, moved—That this House:

- (1) recognises the work done by successive governments over the past 25 years to clean up the River Murray Basin and catchment area; and
- (2) calls on the present Government to make accelerated catchment area clean-up a priority project to:
 - (a) mark the centenary of federation;
 - (b) recognise the essential role the River Murray has in Australia's future economic success; and
 - (c) make the assiduous use of irrigation water and the upgrading of existing drainage and effluent schemes a priority.

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 Hicks was granted leave to continue his speech when the debate is resumed.

6 MEMBERS' STATEMENTS

Members' statements were made.

7 PAPER

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

Roster of Ministers to attend question time as at 19 September 1994.

8 RESIGNATION OF MEMBER—STATEMENTS BY MEMBERS

Mr Keating (Prime Minister), by indulgence, referred to the resignation of the Honourable Andrew Sharp Peacock, as Member for Kooyong and paid tribute to his service and wished him well in his future life.

Mr Downer (Leader of the Opposition), by indulgence, also referred to Mr Peacock's resignation and paid tribute to his parliamentary service.

9 QUESTIONS

Questions without notice being asked—

Paper: Mr Fischer (Leader of the National Party of Australia), in accordance with standing order 321, having called for documents quoted from by Mr Brereton (Minister for Transport)—

Mr Brereton presented the following paper:

ANL Limited—Statement by William Bolitho, former Chairman of the Board of ANL Limited, 16 September 1994.

Questions without notice continued.

10 PETITIONS

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

Mr Beddall, Mr Cunningham, Mr Lindsay, Mr Moore and Mr S. F. Smith, from 99, 166, 1, 12 and 20 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.

Ms Henzell and Mr Sciacca, from 150 and 48 petitioners, respectively, in similar terms.

Mr Anderson and Mr Hicks, from 552 and 368 petitioners, respectively, praying for certain changes to the Family Law Act and the Child Support Scheme.

Mr Atkinson and Mr Moore, from 14 and 41 petitioners, respectively, praying that the guidelines for homeless rate recipients be reviewed and greater commitment shown to programs which prevent family breakdown.

Mr Cleary and Mr Quick, from 502 and 996 petitioners, respectively, praying that the House pass legislation that will prevail over and invalidate sections 122 a&c and 123 of the Tasmanian criminal code.

Mr Dobie, from 451 residents of New South Wales, praying that the *Australian Citizenship Act 1948* be amended to provide for dual citizenship.

Ms Henzell, from 8551 petitioners, praying that the widows pension be reintroduced or a suitable allowance be introduced in its place.

Ms McHugh, from 67 petitioners, praying that certain action be taken to recognise the clinical relevance of complementary medicine to publicly funded health care.

Mr Mack, from 61 petitioners, praying that certain measures be taken that would prevent members of parliament, retired members and top bureaucrats from plundering the public purse.

Mr McLachlan, from 17 residents of South Australia, praying that the Medicare/Medibank Private office at Victor Harbour, SA, be kept open.

Mr Melham, from 89 petitioners, praying that no change be made to the design or colour of the Australian national flag and that it continue to represent a true manifestation of the nation's history.

Mrs Moylan, from 68 petitioners, praying that funding for breast cancer research be substantially increased and initiatives to encourage donations for research be considered.

Mr Rocher, from 18 petitioners, praying that funding for breast cancer research be increased tenfold in the Budget and initiatives to encourage donations for research be considered.

Mr B. C. Scott, from 760 electors of the Division of Maranoa, praying that the national flag not be changed, replaced or diminished without being voted upon and approved in a national referendum.

Mr Sharp, from 76 petitioners, praying that certain action be taken to establish by referendum whether the Constitution should be amended to ensure parliamentary scrutiny of all international treaties, conventions and agreements before they come into force in Australia.

Petitions received.

11 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:

Australian National Audit Office—Contact from Melbourne *Herald Sun*—Copy of minute from David Berthelsen to Executive Director 13, 25 February 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.

12 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILL

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bill:

5 September 1994—Message No. 181—Plant Breeder's Rights 1994.

13 MESSAGE FROM THE SENATE—WITNESS PROTECTION BILL 1994

Message No. 316, dated 24 August 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to establish a program to give protection and assistance to certain witnesses and other persons*".

Bill read a first time.

Paper: Mr Lee (Minister for Communications and the Arts) presented an explanatory memorandum to the Bill.

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

14 MESSAGE FROM THE SENATE—CUSTOMS TARIFF (URANIUM CONCENTRATE EXPORT DUTY) ACT REPEAL BILL 1994

Message No. 325, dated 31 August 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to repeal the 'Customs Tariff (Uranium Concentrate Export Duty) Act 1980'*".

Bill read a first time.

Paper: Mr Lee (Minister for Communications and the Arts) presented an explanatory memorandum to the Bill.

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

15 MESSAGE FROM THE SENATE—INTERNATIONAL AIR SERVICES COMMISSION AMENDMENT BILL 1994

Message No. 326, dated 31 August 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'International Air Services Commission Act 1992'*".

Bill read a first time.

Paper: Mr Lee (Minister for Communications and the Arts) presented an explanatory memorandum to the Bill.

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

16 MESSAGE FROM THE SENATE—MERIT PROTECTION (AUSTRALIAN GOVERNMENT EMPLOYEES) AMENDMENT BILL 1994

Message No. 327, dated 31 August 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Merit Protection (Australian Government Employees) Act 1984', and for related purposes*".

Bill read a first time.

Paper: Mr Lee (Minister for Communications and the Arts) 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—SUPERANNUATION INDUSTRY (SUPERVISION) LEGISLATION AMENDMENT BILL 1994

Message No. 329, dated 30 August 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the law relating to superannuation*".

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.

18 RESIGNATION OF MEMBER—STATEMENTS BY MEMBERS

Mr Fischer (Leader of the National Party of Australia), by leave, referred to the resignation of the Honourable Andrew Sharp Peacock.

Mr Beazley (Minister for Finance), Mr Sinclair, Mr Duffy, Mr Moore, Ms Worth, Mrs Bishop, Mr Jull, Mr Jones, Mr Howard, Mr Lloyd, Mr Ruddock, Mr Abbott, Mr Ronaldson, Mr Dobie, Mr Charles, Mr Reid, Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs) and Mr Connolly, by leave, also made statements on the matter.

19 ATSIC AMENDMENT (INDIGENOUS LAND CORPORATION AND LAND FUND) BILL 1994

The order of the day having been read for the further consideration in detail of the Bill—

Clause 3—

Debate resumed on the clause and on the amendments moved together by Mrs Gallus, viz.:

Page 4, lines 11-14, omit proposed paragraph (b), substitute the following paragraph:

- “(b) in a case where the Indigenous Land Corporation acquires an interest in land for the purpose of making a grant of the interest to:
- (i) an Aboriginal or Torres Strait Islander corporation; or
 - (ii) an aboriginal person; or
 - (iii) a Torres Strait Islander; or
 - (iv) a trustee of an Aboriginal or Torres Strait Islander trust;
- that grant being made within a reasonable time after that acquisition.”.

Page 4, lines 25 and 26, at the end of proposed paragraph 191E(1)(c) add “under agreements with the holders of the land”.

Page 5, line 4, omit “have regard to the desirability of”, substitute “give priority to”.

Page 6, lines 15 and 16, omit “have regard to the desirability of”, substitute “give priority to”.

Page 6, line 31, at the beginning of subsection (4) insert “Subject to subsection (5),”.

Page 6, after proposed subsection 191F(4) add the following subsection:

Report to Minister if sacred matters affect performance etc.

“(5) The Indigenous Land Corporation must provide a written report to the Minister in cases where the performance of its functions is affected by matters referred to in subsection (4).”.

Page 9, lines 28-32, omit proposed paragraph (b), substitute the following paragraph:

- “(b) the Indigenous Land Corporation or the subsidiary as the case requires, considers that it no longer needs to hold the interest for the purpose of making a grant of the interest to:
- (i) an Aboriginal or Torres Strait Islander corporation; or
 - (ii) an aboriginal person; or
 - (iii) a Torres Strait Islander; or
 - (iv) a trustee of an Aboriginal or Torres Strait Islander trust;
- within a reasonable time after that acquisition.”.

Page 10, lines 29 and 30, omit proposed paragraph (a), substitute the following paragraph:

- “(a) the acquisition of interests in land for the purpose of making grants of those interests to:
- (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;”.

Amendments negatived.

Mrs Gallus moved the following amendment: Page 10, at the end of proposed subsection 191N(2) add the following paragraphs:

- “(d) the need to give priority in the purchase of land to land on which aboriginal people cannot claim native title under the *Native Title Act 1993* or land concerning which aboriginal people cannot make applications under the *Aboriginal Land Rights (Northern Territory) Act 1976*;
- (e) the need to ensure that land which is the subject of a claim under the *Native Title Act 1993* is not acquired;
- (f) the need to give the upgrading of Aboriginal pastoral properties priority over the acquisition of land in areas where there are already substantial land holdings by Aboriginal people or corporations.”.

Debate continued.

Mrs Gallus addressing the House—

20 ADJOURNMENT

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

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 19 September 1994:

Acts Interpretation Act—Statement relating to the extension of specified period for presentation of Judge Advocate General Report for 1993.

Child Care Act—Guidelines CCA/12A/94/1.

Childcare Rebate Act—

Determination No. CR(DCC) 1/1994.

Guidelines CCR/17/94/6.

Christmas Island Act—List of Western Australian Acts for period 22 March to 12 September 1994.

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

105—Amendments 1994, 22, 26(4), 28, 29(5), 31(2) August, 2, 5(4), 6(7), 12 September.

106—Amendments 1994, 5, 9 September.

107—Amendments 1994, 31 August.

Defence Act—

Defence Force Regulations—Notice under regulation 49, 13 September 1994.

Defence Force Remuneration Tribunal—Determination 1994 No. 15.

Determination under section 58B, 1994 No. 34.

Export Market Development Grants Act—Guidelines under section 42, 3 September 1994.

Lands Acquisition Act—Statement under section 125.

Migration Act—Notices under subsections—

96(1)—22 August 1994(2).

96(2)—22 August 1994(2).

Military Superannuation and Benefits Act—Instrument 1994 No. 1.

National Health Act—

Determination 1994 No. HIT 9.

Principle No. NHP 1/94.

Natural Resources Management (Financial Assistance) Act—Copy of agreement between the Commonwealth of Australia and New South Wales for the provision of financial assistance for projects relating to natural resources management, 8 July 1994.

Public Service Act—Determinations 1994 Nos. 69, 77, 78, 80, 81, 82, 83, 145, 146, 147, 148, 149, 151, 175, 176, 177, 178, 179, 180, 181, LES 17, LES 18.

Quarantine Act—

Determination 1994 No. 2.

Proclamation No. 153A.

Remuneration Tribunal Act—Remuneration Tribunal—Determinations 1994 Nos. 18, 20, 21, 22, 23.

Seat of Government (Administration) Act—Ordinances 1994 Nos. 6, 7.

Social Security Act—Social Security (Declaration of visas as approved visas) Determination No. 1.

Veterans' Entitlements Act—Instruments 1994 Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Atkinson, Mr Beale, Mr Bilney, Mr Braithwaite, Mr M. J. Evans, Mr Fitzgibbon, Dr Hewson, Mr Katter, Mr Kerr, Mr Latham, Mr Lavarch, Mr Lieberman, Ms McHugh, Mr O'Connor, Mr Punch, Mr Sciacca, Mr Slipper, Mr Staples, Mrs Sullivan, Mr Taylor, Dr Theophanous, Mr Tuckey and Mr Willis.

L. M. BARLIN

Clerk of the House of Representatives