

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 88

MONDAY, 7 NOVEMBER 1988

- 1 The House met, at 2 p.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.
- 2 **MINISTERIAL ARRANGEMENTS:** Mr Hawke (Prime Minister) informed the House that, during the absence abroad of Mr Duffy (Minister for Trade Negotiations), Senator Evans (Minister for Foreign Affairs and Trade) would perform Mr Duffy's duties and would be represented in this House by Mr Bowen (Attorney-General).
- 3 **QUESTIONS:** Questions without notice being asked—  
*Paper:* Mr Hand (Minister for Aboriginal Affairs) presented the following paper:  
 Woden Town Club—Copy of letter to Mr C. Wyatt, Acting General Manager, Aboriginal Development Commission, from Mr A. Jackomos, Secretary, Woden Town Club, dated 3 November 1988.  
 Questions without notice continued.
- 4 **SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED:** Mr N. A. Brown moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Menzies moving forthwith—That this House is of the opinion that:
- (1) a Royal Commission should be established to inquire into (a) the administration of the Department of Aboriginal Affairs, the Aboriginal Development Commission and all other Commonwealth agencies and corporations responsible for the administration of Aboriginal affairs; and (b) the administration of the office of Minister for Aboriginal Affairs by the current Minister and by the current Minister for the Arts and Territories; and
  - (2) the Royal Commission should take evidence and conduct its proceedings in public.
- Debate ensued.  
 The time allowed by standing order 91 for debate on the motion having expired—  
 Question—put.  
 The House divided (the Deputy Speaker, Mr McLeay, in the Chair)—

AYES, 53

Mr Adermark	Mr Dobie	Mr McGauran	Mr Ruddock
Mr Aldred	Mr Downer	Mr MacKellar	Mr Sharp
Mr Beale	Mr Fife	Mr Macphree	Mr Shipton
Mr Blunt	Mr T. A. Fischer	Mr Miles	Mr Sinclair
Mr Braithwaite	Mr P. S. Fisher	Mr Millar	Mrs Sullivan
Mr N. A. Brown	Mr Goodluck	Mr Moore	Mr Taylor
Mr Burr	Mr Hall	Mr Nehl*	Mr Tuckey
Mr Cadman	Mr Halverson	Mr Peacock	Mr Webster
Mr E. C. Cameron*	Mr Hawker	Mr Porter	Mr White
Mr I. M. E. Cameron	Dr Hewson	Mr Pratt	Mr Wilson
Mr Carlton	Mr Hunt	Mr Prosser	Dr Woods
Mr Cobb	Mr Jull	Mr Reith	
Mr Connolly	Mr Lloyd	Mr Robinson	
Mr Cowan	Mr McArthur	Mr Rocher	

## NOES, 74

Mr Baldwin	Ms Fatin	Mr Kent	Mr Punch
Mr Beazley	Mr Fitzgibbon	Mr Kerin	Mr Saunderson
Mr Beddall	Mr Free	Mr Kerr	Mr Sawford
Mr Bilney	Mr Gayler	Dr Klugman	Mr Scholes
Mr Blanchard	Mr Gear	Mr Lamb*	Mr Sciacca
Dr Blewett	Mr Gorman	Mr Langmore	Mr J. L. Scott
Mr Bowen	Mr Grace	Mr Lavarch	Mr L. J. Scott
Mr R. J. Brown	Mr Griffiths	Mr Lee	Mr Simmons
Mr Charles	Mr Hand	Mr Lindsay	Mr Snow
Dr Charlesworth	Mrs Harvey	Ms McHugh	Mr Snowdon
Mr Chynoweth	Mr Holding	Mr Martin	Mr Staples
Mr Cleeland	Mr Hollis	Mr Mildren	Dr Theophanous
Mr Courtice	Mr Howe	Mr Milton	Mr Tickner
Ms Crawford	Mr Humphreys	Mr A. A. Morris	Mr Uren
Mr Cross	Mrs Jakobsen	Mr P. F. Morris	Mr West
Mr Cunningham*	Mr Jenkins	Mr Mountford	Mr Willis
Mr Dubois	Mr Johns	Mr O'Keefe	Mr Wright
Mr Duncan	Mr Jones	Mr O'Neil	
Mr R. F. Edwards	Mrs Kelly	Mr Price	

\* Tellers

And so it was negatived.

5 **PAPERS:** The following papers were presented:

National Gallery Act—Australian National Gallery—Report and financial statements, including the Auditor-General's Report, for 1987-88.

Snowy Mountains Council—Report for 1987-88.

6 **PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ABORIGINAL AFFAIRS:** The House was informed that Mr Miles had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government's administration of Aboriginal affairs".

The proposed discussion having received the necessary support—

Mr Miles rising to address the House—

Mr Beazley (Leader of the House) moved—That the business of the day be called on.

Question—put.

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

## AYES, 74

Mr Baldwin	Ms Fatin	Mr Kent	Mr Punch
Mr Beazley	Mr Fitzgibbon	Mr Kerin	Mr Saunderson
Mr Beddall	Mr Free	Mr Kerr	Mr Sawford
Mr Bilney	Mr Gayler	Dr Klugman	Mr Scholes
Mr Blanchard	Mr Gear	Mr Lamb*	Mr Sciacca
Dr Blewett	Mr Gorman	Mr Langmore	Mr J. L. Scott
Mr Bowen	Mr Grace	Mr Lavarch	Mr L. J. Scott
Mr R. J. Brown	Mr Griffiths	Mr Lee	Mr Simmons
Mr Charles	Mr Hand	Mr Lindsay	Mr Snow
Dr Charlesworth	Mrs Harvey	Ms McHugh	Mr Snowdon
Mr Chynoweth	Mr Holding	Mr Martin	Mr Staples
Mr Cleeland	Mr Hollis	Mr Mildren	Dr Theophanous
Mr Courtice	Mr Howe	Mr Milton	Mr Tickner
Ms Crawford	Mr Humphreys	Mr A. A. Morris	Mr Uren
Mr Cross	Mrs Jakobsen	Mr P. F. Morris	Mr West
Mr Cunningham*	Mr Jenkins	Mr Mountford	Mr Willis
Mr Dubois	Mr Johns	Mr O'Keefe	Mr Wright
Mr Duncan	Mr Jones	Mr O'Neil	
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Mr Adermann	Mr Dobie	Mr McGauran	Mr Ruddock
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Mr Braithwaite	Mr P. S. Fisher	Mr Millar	Mrs Sullivan
Mr N. A. Brown	Mr Goodluck	Mr Moore	Mr Taylor
Mr Burr	Mr Hall	Mr Nehl*	Mr Tuckey
Mr Cadman	Mr Halverson	Mr Peacock	Mr Webster
Mr E. C. Cameron*	Mr Hawker	Mr Porter	Mr White
Mr I. M. D. Cameron	Dr Hewson	Mr Pratt	Mr Wilson
Mr Carlton	Mr Hunt	Mr Prosser	Dr Woods
Mr Cobb	Mr Jull	Mr Reith	
Mr Connolly	Mr Lloyd	Mr Robinson	
Mr Cowan	Mr McArthur	Mr Rocher	

\* Tellers

And so it was resolved in the affirmative.

- 7 **MESSAGE FROM THE SENATE:** A message from the Senate was reported returning the following Bill without amendment:  
3 November 1988—Message No. 223—Export Market Development Grants Amendment 1988.
- 8 **ALTERATION OF HOUR OF NEXT MEETING:** Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until tomorrow at 2.30 p.m.  
Question—put and passed.
- 9 **PUBLIC WORKS COMMITTEE—REPORT—STATEMENTS BY MEMBERS:** Mr Hollis (Chairman) presented the following report from the Parliamentary Standing Committee on Public Works:  
Report relating to the expansion of the international terminal complex, Sydney (Kingsford-Smith) Airport (13th report of 1988).  
Ordered to be printed.  
Mr Hollis, Mr Cowan, Mr Bowen (Attorney-General), Mr Fife, Mr Jull, Mr Robinson and Mr Lee, by leave, made statements in connection with the report.
- 10 **DISCHARGE OF TARIFF PROPOSALS:** Mr Jones (Minister for Science, Customs and Small Business), by leave, moved—That Customs Tariff Proposals Nos. 14 to 19 (1987), Nos. 1 to 4 (1988), Customs Tariff (Uranium Concentrate Export Duty) Proposals No. 1 (1987) and Excise Tariff Proposals Nos. 7 to 13 (1987) and Nos. 1 and 2 (1988), be discharged.  
Question—put and passed.
- 11 **AUSTRALIAN INDUSTRY DEVELOPMENT CORPORATION AMENDMENT BILL 1988:** Mr Jones (Minister for Science, Customs and Small Business), pursuant to notice, presented a Bill for an Act to amend the *Australian Industry Development Corporation Act 1970*, and for related purposes.  
Bill read a first time.  
Mr Jones moved—That the Bill be now read a second time.  
*Paper:* Mr Jones presented an explanatory memorandum to the Bill.  
Debate adjourned (Mr Moore), and the resumption of the debate made an order of the day for the next sitting.
- 12 **CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL 1988:** Mr Jones (Minister for Science, Customs and Small Business) presented a Bill for an Act to amend legislation relating to Customs and Excise, and for related purposes.  
Bill read a first time.  
Mr Jones moved—That the Bill be now read a second time.  
*Paper:* Mr Jones presented an explanatory memorandum to the Bill.  
Debate adjourned (Mr Moore), and the resumption of the debate made an order of the day for the next sitting.

**13 CUSTOMS TARIFF AMENDMENT BILL (NO. 3) 1988:** Mr Jones (Minister for Science, Customs and Small Business) presented a Bill for an Act to amend the *Customs Tariff Act 1987*.

Bill read a first time.

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

*Paper:* Mr Jones presented an explanatory memorandum to the Bill.

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

**14 ANL (CONVERSION INTO PUBLIC COMPANY) BILL 1988:** 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 Blunt, 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) notes the failure of the Government to achieve micro-economic reform in coastal shipping and the Australian waterfront; and

(2) calls on the Government to introduce a program immediately to increase the efficiency of coastal shipping, including the introduction of ships from OECD countries and other measures to overcome the problems identified by the IAC in its report and the Business Council of Australia, in its action plan”—

Debate resumed.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Willis (Minister for Transport and Communications), the Bill was read a third time.

**15 OTC (CONVERSION INTO PUBLIC COMPANY) BILL 1988:** 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Willis (Minister for Transport and Communications), the Bill was read a third time.

**16 AUSTRALIAN NATIONAL RAILWAYS COMMISSION AMENDMENT BILL 1988:** 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Willis (Minister for Transport and Communications), the Bill was read a third time.

**17 TELECOMMUNICATIONS AMENDMENT BILL 1988:** 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 Mr Blunt 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 deplores the delays by the Government in implementing meaningful reform of Telecom and its continuing failure to introduce the full package of reform measures for all Transport and Communications government business enterprises”.

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.

On the motion of Mr Willis (Minister for Transport and Communications), by leave, the following amendments were made together, after debate:

*New clause—*

Page 2, after clause 6 insert the following new clause:

“6A. After section 5 of the Principal Act the following section is inserted:

**Subsidiary function**

‘5A. (1) It is a subsidiary function of the Commission to carry on, outside Australia, business relating to telecommunications.

‘(2) The Commission shall not carry on the business of providing space satellite facilities for use in telecommunications systems for neighbouring regions.

‘(3) In subsection (2), “neighbouring regions” and “space satellite” have the same respective meanings as they have in the *Satellite Communications Act 1984*.’.”

*Amendments—*

Clause 11, page 7, lines 11 and 12, omit proposed subsection 27 (1), substitute the following subsection:

“27. (1) The Board may, by resolution:

- (a) delegate all or any of its powers (other than its powers under section 10B and Division 4) to a director; and
- (b) delegate its powers under subsection 11 (2) to an employee.”

*Clause 28—*

Page 14, line 28, after “Act” insert “(other than a delegation of the Commission’s powers under subsection 11 (2) of the Principal Act)”.

Page 14, after subclause (1) insert the following subclause:

“(1A) A delegation given under section 33 of the Principal Act (being a delegation of the Commission’s powers under subsection 11 (2) of the Principal Act) and in force immediately before the commencement of section 11 of this Act has effect, after that commencement, as if it were a delegation given under subsection 27 (1) of the Principal Act as amended by this Act.”

Page 14, line 33, omit “section 10B of the Principal Act as amended by this Act has”, substitute “section 10B and paragraph 27 (1) (b) of the Principal Act as amended by this Act have”.

Clause 34, page 16, line 8, omit “11 or”.

*New clause—*

Page 16, after clause 35 insert the following new clause:

**By-laws**

“35A. By-laws made under section 111 of the Principal Act and in force immediately before the commencement of section 11 of this Act have effect, after that commencement, as if they had been made under section 111 of the Principal Act as amended by this Act.”

*Amendment—*

Page 17, Part II of Schedule 1, clause 22, item 1, after “5,” insert “5A,”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Rocher reported accordingly.

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

18 **SATELLITE COMMUNICATIONS AMENDMENT BILL 1988:** 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 Mr T. A. Fischer 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 notes the Government’s failure to privatise AUSSAT and its continuing failure to introduce the full package of reform measures for all Transport and Communications government business enterprises”.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Willis (Minister for Transport and Communications), the Bill was read a third time.

19 **POSTAL SERVICES AMENDMENT BILL 1988:** 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 Mr T. A. Fischer 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 deplores the delays by the Government in implementing meaningful reform of Australia Post and its continuing failure to introduce the full package of reform measures for all Transport and Communications government business enterprises”.

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.

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*In the committee*

Bill, by leave, taken as a whole.

On the motion of Mr Willis (Minister for Transport and Communications), by leave, the following amendments were made together, after debate:

*Amendment—*

Clause 31, page 15, line 32, omit “10 or”.

*New clause—*

Page 15, after clause 31 insert the following new clause:

**Transitional provision—by-laws**

“31A. By-laws made under section 115 of the Principal Act and in force immediately before the commencement of section 10 of this Act have effect, after that commencement, as if they had been made under section 115 of the Principal Act as amended by this Act.”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The House resumed; Mr Rocher reported accordingly.

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

20 **AGRICULTURAL AND VETERINARY CHEMICALS BILL 1988—SENATE’S AMENDMENTS:** The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

*In the committee*

## SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 6, paragraph 4 (5) (b), lines 15 to 18, leave out “authorising the use of that chemical product” (wherever occurring), insert “in which the clearance for registration of that chemical product is expressed to be”.
- No. 2—Page 16, subclause 20 (1), line 15, leave out the Penalty provision, insert the following provision:  
 “Penalty: \$5,000 or imprisonment for 2 years, or both.”
- No. 3—Page 16, paragraph 20 (3) (c), line 32, leave out “proprietor”, insert “applicant for, or holder of, the certificate of clearance in respect”.
- No. 4—Page 6, after subclause 20 (3), insert the following new subclause:  
 “(3A) The Chairperson shall not divulge any confidential commercial information under paragraph (3) (a) in respect of a chemical product unless he or she:  
 (a) has advised the applicant for, or holder of, the certificate of clearance in respect of that chemical product, in writing, of his or her intention so to divulge the information and of the reasons for so divulging that information;  
 (b) has given the applicant or holder a reasonable opportunity to communicate any views which the applicant or holder has concerning the proposed divulging of that information; and  
 (c) has taken into account any views so communicated.”
- No. 5—Page 7, subclause 20 (6), line 25, leave out the Penalty provision, insert the following provision:  
 “Penalty: \$5,000 or imprisonment for 2 years, or both.”
- No. 6—Page 18, subclause 22 (1), paragraph (a) of Penalty provision, line 14, leave out “\$10,000 or imprisonment for 5”, insert “\$50,000 or imprisonment for 10”.
- No. 7—Page 18, subclause 22 (1), paragraph (b) of Penalty provision, line 16, leave out “\$50,000”, insert “\$250,000”.
- No. 8—Page 18, subclause 22 (2), paragraph (a) of Penalty provision, line 25, leave out “\$5,000 or imprisonment for 2 years”, insert “\$50,000 or imprisonment for 10 years”.
- No. 9—Page 18, subclause 22 (2), paragraph (b) of Penalty provision, line 27, leave out “\$25,000”, insert “\$250,000”.
- No. 10—Page 24, subclause 35 (1), lines 11 to 13, leave out “and, if the person is not the holder of a certificate of clearance in respect of that chemical product, with the agreement of the holder of that certificate,”, insert “and, if the person is not the holder of a certificate of clearance in respect of that chemical product, after informing in writing the holder of that certificate of the name of the applicant and the name of any foreign country to which the applicant proposes to export that chemical product,”.
- No. 11—Page 24, subclause 36 (1), paragraph (a) of Penalty provision, line 39, leave out “\$10,000 or imprisonment for 5”, insert “\$50,000 or imprisonment for 10”.
- No. 12—Page 24, subclause 36 (1), paragraph (b) of Penalty provision, line 41, leave out “\$50,000”, insert “\$250,000”.
- No. 13—Page 30, subclause 46 (2), line 17, leave out “variation of the conditions of use”, insert “registration, or variation of the conditions of use,”.
- No. 14—Page 30, subclause 46 (2), line 23, leave out “variation to conditions of use”, insert “registration, or variation of the conditions of use,”.
- Mr Kerin (Minister for Primary Industries and Energy) moved—That the amendments be agreed to.
- Paper:* Mr Kerin presented a revised explanatory memorandum to the Bill.  
 Debate ensued.

Question—put and passed.  
Resolution to be reported.

The House resumed; Mr Rocher reported accordingly.  
On the motion of Mr Kerin, the House adopted the report.

- 21 **VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL 1988:** 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 Mr T. A. Fischer who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst supporting the general thrust of the Bill, the House is of the view that:
- (1) repatriation should be recognised as compensation, and not welfare, in acknowledgement of the service of veterans, war widows, ex-service personnel and serving personnel;
  - (2) there has been a series of cutbacks and complex changes impacting on veterans, war widows and ex-service personnel described as a ‘penny pinching, miserable and narrow-minded cash-register approach’ and typified by:
    - (a) a \$300 limit on certain categories of dental treatment within the one year;
    - (b) the halving of the country travel allowance for veterans referred to specialists and Repatriation General Hospitals;
    - (c) the hardship imposed by recent changes in the Repatriation Pharmaceutical Benefits Scheme;
    - (d) the imposition of a statutory patient contribution in excess of \$5000 per year from 1 January 1988 on veterans in nursing homes for war-related conditions;
    - (e) the massive delays in the determining system, thus denying justice where veterans die before a decision is made; and
    - (f) the 2% cutback applied to DFRDB pensioners in 1986 which has never been rectified despite promises by the Government to do so; and
  - (3) the Government should take account of recent criticisms of Government policies, priorities and administration in relation to the repatriation system and make the necessary adjustments as a matter of priority”.

Debate continued.

Mr White addressing the House.

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

Mr Humphreys (Minister for Veterans' Affairs) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr White concluded his speech.

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

- 22 **ADJOURNMENT:** Mr Humphreys (Minister for Veterans' Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Deputy Speaker adjourned the House until tomorrow at 2.30 p.m.



**PAPERS:** The following papers were deemed to have been presented on 7 November 1988:

Federal Airports Corporation Act—Federal Airports Corporation—By-laws—1988—

Federal Airports (Amendment).

Federal Airports (Amendment) (No. 2).

Health Insurance Act—Determination pursuant to subsection 23DN (2), dated 10 October 1983.

Seat of Government (Administration) Act—

Agents Ordinance—Declarations pursuant to subsection 3 (2)—1988—Nos 1, 2, 3.

Co-operative Societies Ordinance—Declaration pursuant to subsection 14ABA (1)—1988—No. 1.

Housing Assistance Ordinance—Variation pursuant to section 12—1988—No. 2.

Ordinances—1988—

No. 73—Building (Amendment).

No. 74—Long Service Leave (Building and Construction Industry) (Amendment) (No. 4).

No. 75—Crimes (Amendment) (No. 2).

Regulations—1988—No. 17 (Electricity and Water Ordinance).

Taxation (Administration) Ordinance—Determination—1988—No. 2—Stamp Duty (Surrender and Re-grant).

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**MEMBERS PRESENT** All Members were present (at some time during the sitting) except Mr J. J. Brown, Mr Brumby, Mr D. M. Cameron\*, Mr Cohen, Mrs Darling\*, Mr Davkins, Mr Duffy, Mr Hicks, Mr Katter and Mr Shack.

\* On leave

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**A. R. BROWNING**  
Clerk of the House of Representatives