

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 105

WEDNESDAY, 9 NOVEMBER 1994

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' BUSINESS NOTICE**

Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 6, private Members' business, being called on forthwith.

Question—put and passed.

3 **ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT—DECLARATION—MOTION FOR DISALLOWANCE**

Mr McLachlan, pursuant to notice, moved—That the declaration by the Minister for Aboriginal and Torres Strait Islander Affairs of 10 July 1994, as contained in *Commonwealth of Australia Gazette* No. S270, and made under subsection 10(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, relating to Hindmarsh Island, be disallowed.

Debate ensued.

Ordered—That Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs) be granted an extension of time.

Debate continued.

Question—put.

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

AYES, 53

| | | | |
|------------------|-------------------|----------------|---------------|
| Mr Abbott | Mr Costello | Mr McArthur | Mr Sharp |
| Mr Aldred | Mr Dobie | Mr McGauran | Mr Sinclair |
| Mr Anderson | Mr R. D. C. Evans | Mr McLachlan | Mr Slipper |
| Mr J. N. Andrew | Mr Filing | Mr Miles | Mr Somlyay |
| Mr K. J. Andrews | Mr Forrest | Mr Moore | Mrs Sullivan |
| Mr Atkinson | Mr Halverson | Mr Neville | Mr Taylor |
| Mr Beale | Mr Hawker* | Mr Nugent | Mr Truss |
| Mrs Bishop | Dr Hewson | Mr Prosser | Mr Tuckey |
| Mr Bradford | Mr Hicks* | Mr Pyne | Mr Vaile |
| Mr Cadman | Mr Howard | Mr Reid | Dr Wooldridge |
| Mr Cameron | Mr Jull | Mr Reith | Ms Worth |
| Mr Charles | Mr Katter | Mr Rocher | |
| Mr Cobb | Mr Lieberman | Mr Ruddock | |
| Mr Connolly | Mr Lloyd | Mr B. C. Scott | |

NOES, 69

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

* Tellers

And so it was negated.

4 FAMILY LAW REFORM BILL 1994 [NO. 2]

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.

Mrs Easson 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 QUESTIONS

Questions without notice were asked.

6 PAPERS

The following papers were presented:

Advance to the Minister for Finance—

Statement for October 1994.

Supporting applications of issues from the Advance during October 1994.

AUSCRIPT—Report for 1993-94.

Australian and Overseas Telecommunications Corporation Act—Telstra Corporation Limited—Report for 1993-94.

Commonwealth Fire Board—Report for 1993-94.

Council for Aboriginal Reconciliation Act—Council for Aboriginal Reconciliation—Report for 1993-94.

7 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Advance to the Minister for Finance—

Statement for October 1994.

Supporting applications of issues from the Advance during October 1994.

AUSCRIPT—Report for 1993-94.

Council for Aboriginal Reconciliation Act—Council for Aboriginal Reconciliation—Report for 1993-94.

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

8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIA/NEW ZEALAND OPEN SKIES AIR AGREEMENT

The House was informed that Mr Jull had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The damage to Australia's international standing and the Australian tourist industry by the Prime Minister's failure to honour the Australia/New Zealand Open Skies Air Agreement".

The proposed discussion having received the necessary support—

Mr Jull addressed the House.

Discussion ensued.

Discussion concluded.

9 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED ADDITIONAL EXPENDITURE FOR YEAR 1994-95—APPROPRIATION BILL (NO. 3) 1994-95

Message No. 204, dated 4 November 1994, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of proposed additional expenditure from the Consolidated Revenue Fund for the service of the year ending on 30 June 1995; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 1) 1994-95*, for the service of the year ending on 30 June 1995, and for related purposes.

Mr Beazley (Minister for Finance) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 1) 1994-95*, for the service of the year ending on 30 June 1995, and for related purposes.

Bill read a first time.

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

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

10 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED ADDITIONAL EXPENDITURE FOR YEAR 1994-95—APPROPRIATION BILL (NO. 4) 1994-95

Message No. 205, dated 8 November 1994, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of certain proposed additional expenditure from the Consolidated Revenue Fund in respect of the year ending on 30 June 1995; and

- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 2) 1994-95*, for certain expenditure in respect of the year ending on 30 June 1995, and for related purposes.

Mr Beazley (Minister for Finance) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation Act (No. 2) 1994-95*, for certain expenditure in respect of the year ending on 30 June 1995, and for related purposes.

Bill read a first time.

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

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

11 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED ADDITIONAL EXPENDITURE IN RELATION TO THE PARLIAMENTARY DEPARTMENTS FOR YEAR 1994-95—APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 1994-95

Message No. 206, dated 4 November 1994, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of proposed additional expenditure from the Consolidated Revenue Fund in relation to the Parliamentary Departments in respect of the year ending on 30 June 1995; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation (Parliamentary Departments) Act 1994-95*, for certain expenditure in relation to the Parliamentary Departments in respect of the year ending on 30 June 1995, and for related purposes.

Mr Beazley (Minister for Finance) presented a Bill for an Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the *Appropriation (Parliamentary Departments) Act 1994-95*, for certain expenditure in relation to the Parliamentary Departments in respect of the year ending on 30 June 1995, and for related purposes.

Bill read a first time.

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

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

12 ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (FINANCIAL SUPPORT FUND) REPEAL BILL 1994

Mr Bevis (Parliamentary Secretary to the Minister for Defence), for Mr Gear (Assistant Treasurer), pursuant to notice, presented a Bill for an Act to repeal the *Organisation for Economic Co-operation and Development (Financial Support Fund) Act 1976*.

Bill read a first time.

Paper: Mr Bevis presented an explanatory memorandum to the Bill.

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

13 COMMONWEALTH ELECTORAL AMENDMENT BILL (NO. 2) 1994

Mr Bevis (Parliamentary Secretary to the Minister for Defence), for Mr Walker (Minister for Administrative Services), pursuant to notice, presented a Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes.

Bill read a first time.

Paper: Mr Bevis presented an explanatory memorandum to the Bill.

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

14 REGISTRATION OF MEMBERS' INTERESTS—AMENDMENTS OF RESOLUTIONS

Mr Beazley (Leader of the House), pursuant to notice, moved—That:

(1) the resolutions adopted by the House on 9 October 1984 a.m., as amended on 21 March 1985, 13 February 1986, 22 October 1986 and 30 November 1988 relating to the registration of interests by Members, be further amended as follows:

(a) omit resolution (1), substitute the following resolution:

(1) Registration of Members' interests

“That—

(a) within 28 days of making and subscribing an oath or affirmation as a Member of the House of Representatives each Member shall provide to the Registrar of Members' Interests, a statement of—

- (i) the Member's registrable interests, and
- (ii) the registrable interests of which the Member is aware (a) of the Member's spouse and (b) of any children who are wholly or mainly dependent on the Member for support,

in accordance with resolutions adopted by the House and in a form determined by the Committee of Members' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring, and

(b) the statement to be provided by a Member shall include:

- (i) in the case of a Member who was not a Member of the House of Representatives in the immediately preceding Parliament, interests held at the date of his or her election and any alteration of interests which has occurred between that date and the date of completion of the statement, and
- (ii) in the case of a Member who was a Member of the House of Representatives in the immediately preceding

Parliament, interests held at the date of dissolution of the House of Representatives in the previous Parliament and any alteration of interests which has occurred between that date and the date of completion of the statement.”;

- (b) resolution (2), paragraph (k), omit “\$250” and “\$100”, substitute “\$500” and “\$200”, respectively; and
- (c) resolution (2), omit paragraph (m), substitute—
 - “(m) membership of any organisation where a conflict of interest with a Member’s public duties could foreseeably arise or be seen to arise, and”;
- (2) these amendments have immediate effect; and
- (3) in all other respects the resolutions adopted by the House on 9 October 1984 a.m., as amended on 21 March 1985, 13 February 1986, 22 October 1986, 30 November 1988 and by this resolution, relating to the registration of interests by Members, continue in force.

Question—put and passed.

15 STANDING ORDERS—AMENDMENTS

Mr Beazley (Leader of the House), having amended, by leave, notice No. 4, government business, moved—That, with immediate effect:

- (1) the standing orders be amended so as to—
 - (a) incorporate references to Members in gender-inclusive pronouns;
 - (b) in relation to parliamentary committees, omit the term “chairman” and substitute the term “chair”; and
 - (c) make the amendments appearing under the heading “Other proposed changes” on page ii;

as identified in the paper *House of Representatives—Text of the standing and sessional orders prepared in pursuance of the resolution of the House on 30 June 1994*, dated 19 August 1994, presented to the House by the Speaker on 23 August 1994; and

- (2) the following further amendments to the standing orders be made:
 - (a) Omit standing order 160 and substitute the following standing order:
 - 160.** Except as otherwise provided, a motion not seconded may not be further discussed and no entry thereof shall be made in the Votes and Proceedings.
 - (b) Omit standing order 234 and substitute the following standing order:
 - 234.** When a bill referred to the Main Committee has been fully considered by it, the question shall be put forthwith and determined without amendment or debate, “That this bill be reported to the House, without amendment” or “with (an) amendment(s)” (“and with (an) unresolved question(s)”), as appropriate. If this question is agreed to, the bill shall be reported to the House by the Speaker at a time when other business is not before the House. A copy of the bill certified by the Clerk of the Committee together with schedules of any amendments made by the Committee and any questions which the Committee was unable to resolve shall be transmitted to the Speaker for report to the House.

- (c) Omit standing orders 236 and 237, and substitute the following standing orders:

- 236.** On consideration of a report from the Main Committee on a bill with amendments or unresolved questions, separate questions shall be proposed on each of the unresolved questions which shall be open to debate or amendment. A single question shall then be proposed, if necessary, "That the amendments made by the Main Committee be agreed to", no debate or amendment to this question being allowed. No new amendments may be moved except as necessary as a consequence of the resolution by the House of any question on which the Committee had reported it could not agree. Finally, the question "That the bill (or the bill, as amended) be agreed to" shall be proposed, no debate or amendment being allowed.
- 237.** When a bill has been agreed to at the consideration in detail stage, the Speaker shall notify the House and a future day shall be fixed, on motion, for the third reading.

- (d) Omit standing order 270 and substitute the following standing order:

- 270.** A Main Committee is established to which:
- (a) bills may be referred for consideration; and
 - (b) orders of the day for the resumption of debate on: (i) motions moved in connection with committee and delegation reports; and (ii) motions to take note of papers, may be referred for debate.

All remaining proceedings on such bills as are referred to it, to the completion of consideration in detail, shall be conducted in the Main Committee:

Provided that a bill or other order of the day may be returned to the House for consideration at any time during its consideration in the Main Committee by agreement to a motion which may be moved without notice by any Member (no seconder required) "That further proceedings be conducted in the House" which motion shall be determined without amendment or debate. If the Committee is unable to resolve this question the bill or order of the day shall be returned to the House. The House shall continue consideration at the point which had been reached in the Committee and shall resolve any other matters which the Committee reports in relation to the bill or order of the day:

Provided further that the House may at any time require a bill or other order of the day to be returned to the House for further consideration, on motion without notice by any Member. Any matter so returned shall be set down for consideration at a later hour that day.

- (e) Omit standing order 274 and substitute the following standing order:

- 274.** The Main Committee may meet at any time during a sitting of the House and the following provisions shall apply:
- (a) the Committee need not adjourn between items of business;

- (b) proceedings in the Committee shall be suspended by the Chair to enable Members to attend any division in the House;
 - (c) a sitting of the Committee may be adjourned on motion moved by any Member without notice;
 - (d) upon the adjournment of the House the Chair shall interrupt the business before the Committee and forthwith adjourn the Committee; and
 - (e) the Committee shall stand adjourned upon completion of consideration of all matters referred to it by the House.
- (f) Omit standing order 276 and substitute the following standing order:
- 276.** Every question in the Committee shall be decided on the voices and if any Member dissents from the result announced by the Chair, the question shall be recorded in the minutes as unresolved. Any unresolved question shall be reported to the House and included in a schedule attached to the report of the Committee to the House on the bill or order of the day.
- (g) Omit standing order 278 and substitute the following standing order:
- 278.** A motion contradictory of a previous decision of the Main Committee in relation to the same matter shall not be entertained.
- (h) After standing order 280, insert the following standing order:
- 280A.** Any matter to be reported to the House from the Main Committee shall be certified by the Clerk of the Committee and transmitted to the Speaker for report to the House when other business is not before the House. Except as otherwise provided, any matter so reported shall be set down for consideration at a later hour that day.

Debate ensued.

Question—put and passed.

16 FAMILY LAW REFORM BILL 1994 [NO. 2]

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 Administrator: Message No. 207, dated 18 October 1994, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, the following amendments were made together:

Clause 31, page 82, proposed paragraph 69ZB(1)(c), line 18, after “long-term” insert “or day-to-day”.

Clause 46, page 96, proposed paragraph 112AC(5)(b), line 2, after “prevented” insert “from discharging responsibilities under the order”.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Duncan, by leave, the Bill was read a third time.

17 NATIONAL CRIME AUTHORITY—JOINT COMMITTEE

Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, moved—That Mr P. F. Morris be discharged from attendance on the Joint Committee on the National Crime Authority and that, in his place, Mr Quick be appointed a member of the committee.

Question—put and passed.

18 ADJOURNMENT

Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 6.56 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 9 November 1994:

Data-matching Program (Assistance and Tax) Act—Privacy Commissioner—Guidelines under section 12, 31 October 1994.

Lands Acquisition Act—Statements under—

Section 40.

Section 125.

Motor Vehicle Standards Act—Road Vehicle (National Standards) Determination 1994 No. 2A.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Braithwaite*, Mr Brereton, Mr Crean, Mr Elliott, Mr Gorman, Mr Griffin, Mr Keating, Dr Kemp, Mr Mack*, Mr Ronaldson, Mr Staples* and Mr Willis.

*On leave

L. M. BARLIN

Clerk of the House of Representatives

1993-94

HOUSE OF REPRESENTATIVES**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 105

MAIN COMMITTEE**MINUTES OF PROCEEDINGS**

WEDNESDAY, 9 NOVEMBER 1994

1 The Main Committee met at 10 a.m.

2 AUSTRALIAN POSTAL CORPORATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Bevis (Parliamentary Secretary to the Minister for Defence) moved—That the Bill be now read a second time.

Papers: Mr Bevis, by leave, presented the following papers during his speech:

Australian Postal Corporation Amendment Bill 1994—Examples of generic letters (3).

Debate ensued.

Suspension of sitting: At 11.25 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 11.38 a.m., the proceedings were resumed.

Debate continued.

Debate adjourned (Dr Theophanous—Parliamentary Secretary to the Prime Minister), and the resumption of the debate made an order of the day for the next sitting.

3 ADJOURNMENT

On the motion of Dr Theophanous (Parliamentary Secretary to the Prime Minister), the Main Committee adjourned at 12.58 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.



I. C. HARRIS

Clerk of the Main Committee