

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 182

TUESDAY, 28 NOVEMBER 1995

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 PRIVILEGE—STATEMENT BY SPEAKER**

The Speaker referred to the matter of privilege raised on 23 November 1995 by Mr Cleeland (Chairman of the Parliamentary Joint Committee on the National Crime Authority) concerning the publication in the *Sunday Age* on 29 October 1995 of material said to reveal the deliberations of the committee on a report which had not been presented to either House at the time.

The Speaker stated that, in accordance with the practice of the House, before the complaint could be considered any further, the committee would be required to take whatever steps it could to ascertain the source or sources of disclosure. The Speaker further stated that it would assist if any additional information could be provided on the question of whether substantial interference had occurred.

**3 PARLIAMENT HOUSE COMPUTER SYSTEM—STATEMENT BY SPEAKER**

The Speaker made a statement in response to a question asked of him on 22 November 1995 concerning the difficulties being experienced with the POWER computer system in Parliament House.

**4 MESSAGES FROM THE SENATE**

Messages from the Senate, dated 27 November 1995, were reported returning the following Bills without amendment:

Message—

No. 583—Commonwealth Bank Sale 1995.

No. 584—International Shipping (Australian-resident Seafarers) Grants 1995.

No. 585—States Grants (Primary and Secondary Education Assistance) Amendment (No. 2) 1995.

**5 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 2) 1995—SENATE'S AMENDMENTS**

The order of the day having been read for the consideration of the amendments made by the Senate, viz.:

## SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 3, page 2, line 5, omit “The *Higher Education Funding Act 1988*”, substitute “Subject to section 4, the *Higher Education Funding Act 1988*”.

No. 2—After clause 3, page 2, add the following clause:

**Application**

“4. The amendments in Part 9 of the Schedule to sections 41 and 101 of the *Higher Education Funding Act 1988* (*the Act*) have no effect in the application of the Act to a person who is, in the opinion of the Minister, likely to suffer unfairly, including experiencing hardship as is prescribed in regulations, if the amendments were to have effect in the application of the Act to the person.”.

No. 3—Schedule, at end of Part 5, page 13, insert the following item:

**“20A. Application:**

The amendments made by an item of this Part apply only in relation to a person who commences a course of study to which those amendments relate on or after 1 January 1996.”.

No. 4—Schedule, at end of Part 9, page 20, add the following item:

**“38. Application:**

(1) The amendments made by an item of this Part apply only in relation to a person who commences a course of study to which those amendments relate on or after 1 January 1996.

(2) In so far as the amendments made by an item of this Part relate to a person who is a permanent resident, the amendments apply only in relation to a person who becomes a permanent resident on or after 1 January 1996.

(3) In so far as the amendments made by an item of this Part relate to a person who is a New Zealand citizen, the amendments apply only in relation to a New Zealand citizen who commences a course of study after 1 January 1996.”—

Mr Crean (Minister for Employment, Education and Training) moved—That the amendments be disagreed to.

Debate ensued.

Question—put.

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

## AYES, 74

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

## NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

Mr Crean moved—That Mr Gibson, Mr L. J. Scott and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to the amendments of the Senate.

Question—put and passed.

Mr Crean, on behalf of the committee, brought up such reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing to the amendments of the Senate*

The House of Representatives does not agree to amendments Nos. 1, 2, 3 and 4 of the Senate for the following reasons:

- the amendments deny the Government's higher education Budget package of \$50 million over three years, \$11.7 million in 1996, \$18.7 million in 1997 and \$19.4 million in 1998;

- the Budget package sought to meet the two key priorities of the higher education sector—additional places for those Australians who had not previously had the opportunity to attend university and the provision of much needed funds for research infrastructure and research programs;
- the loss of \$50 million to the Budget package means the loss of 5000 university places for Australian students or cuts to funds allocated for research infrastructure;
- the Budget neutral package was developed after extensive consultation with and in response to the identified needs of the higher education sector, the Australian Vice-Chancellors' Committee, the National Tertiary Education Union, the Council of Australian Postgraduate Associations and the National Union of Students; and
- the Senate amendments would establish arbitrary and inequitable distinctions between individuals who have a Higher Education Contribution Scheme (HECS) debt and would cost the Commonwealth up to an additional \$2 million initially and \$1 million thereafter to administer.

On the motion of Mr Crean, the committee's reasons were adopted.

## 6 QUESTIONS

Questions without notice were asked.

## 7 AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS

The Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1995-96—

No. 11—Performance audit—Department of Defence: Management audit.

No. 12—Performance audit—Risk management by Commonwealth consumer product safety regulators.

Mr Beazley (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit reports Nos. 11 and 12 of 1995-96; and
- (2) the reports be printed.

Question—put and passed.

## 8 PAPER

The Speaker presented the following paper:

Public Service Act—Department of the House of Representatives—Report for 1994-95—Corrigenda.

## 9 PAPERS

The following papers were presented:

A new Public Service Act—Progress report to the House of Representatives by Mr Johns, Minister Assisting the Prime Minister for Public Service Matters, November 1995.

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commercial Development Corporation—Report for 1994-95.

Aboriginal Deaths in Custody—Royal Commission—Implementation of Queensland Government agencies responses to the recommendations of the Royal Commission—Progress report on implementation to December 1994.

Agricultural and Veterinary Chemicals (Administration) Act—National Registration Authority for Agricultural and Veterinary Chemicals—Report for 1994-95.

Agriculture and Resource Management Council of Australia and New Zealand—Record and resolutions—6th meeting, Perth, 18 August 1995.

Australian Wool Research and Promotion Organisation Act—Australian Wool Research and Promotion Organisation—Report for 1994-95.

Coal Industry Act—Joint Coal Board—48th report, for 1994-95.

Copyright Act—Audio-Visual Copyright Society Ltd—Report for 1994-95.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Federal Race Discrimination Commissioner—Report—State of the Nation: People of non-English speaking backgrounds, 1995.

Industry Commission Act—Industry Commission—Report No. 47—Work, health and safety: Inquiry into occupational health and safety, 11 September 1995—

Volume I.

Volume II.

Industry, Science and Technology—Standing Committee—Report—“Olympics 2000...and the winner is?”, June 1995—Government response.

Legal and Constitutional Affairs—Standing Committee—Advisory report—The Employment Services Bill 1994 and Employment Services (Consequential Amendments) Bill 1994, 22 September 1994—Government response.

Pharmaceutical Benefits Pricing Authority—Report for 1994-95.

Pooled Development Funds Act—PDF Registration Board—Report for 1994-95.

*States Grants (Primary and Secondary Education Assistance) Act 1992*—Report on financial assistance granted to each State in respect of 1994.

Wool International Act—Wool International—Report for 1994-95.

#### 10 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

A new Public Service Act—Progress report to the House of Representatives by Mr Johns, Minister Assisting the Prime Minister for Public Service Matters, November 1995.

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commercial Development Corporation—Report for 1994-95.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Federal Race Discrimination Commissioner—Report—State of the Nation: People of non-English speaking backgrounds, 1995.

Industry Commission Act—Industry Commission—Report No. 47—Work, health and safety: Inquiry into occupational health and safety, 11 September 1995—

Volume I.

Volume II.

Industry, Science and Technology—Standing Committee—Report—“Olympics 2000...and the winner is?”, June 1995—Government response.

Pharmaceutical Benefits Pricing Authority—Report for 1994-95.

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

**11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HUMAN SERVICES AND HEALTH POLICY**

The House was informed that Dr Wooldridge had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The lack of credibility in government human services and health policy”.

The proposed discussion having received the necessary support—

Dr Wooldridge addressed the House.

Discussion ensued.

Discussion concluded.

**12 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the following Bill without requests:

27 November 1995—Message No. 586—Customs Tariff 1995.

**13 TRANSPORT LEGISLATION AMENDMENT BILL (NO. 3) 1995—REPORT FROM MAIN COMMITTEE**

The Second Deputy Speaker reported that the Transport Legislation Amendment Bill (No. 3) 1995 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), by leave, the Bill was read a third time.

**14 CERTAIN FAMILY LAW ISSUES—JOINT SELECT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr M. J. Evans (Chairman) presented the following paper:

Certain Family Law Issues—Joint Select Committee—Funding and administration of the Family Court of Australia—Report, November 1995.

Ordered to be printed.

Mr M. J. Evans and Mr K. J. Andrews, by leave, made statements in connection with the report.

Mr M. J. Evans, by leave, moved—That the House take note of the report.

Mr M. J. Evans was granted leave to continue his speech when the debate is resumed.

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

**15 APPROPRIATION BILL (NO. 3) 1995-96**

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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Beazley (Minister for Finance), the Bill was read a third time.

#### 16 APPROPRIATION BILL (NO. 4) 1995-96

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 Prosser 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:

- (1) welcomes and supports the appropriation in respect of the upgrading of the New South Wales Showground facilities but notes that certain matters in respect of the tender process for the use of the Showgrounds site have been referred to the Independent Commission Against Corruption (ICAC) and in these circumstances is of the opinion that the Government should not disburse these moneys until such time as ICAC has publicly confirmed that due process was observed; and
- (2) condemns the use of public moneys proposed in the Bill to fund the legal challenge to the Marks Royal Commission by the Minister for Human Services and Health”.

Amendment negatived.

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

*Consideration in detail*

Schedule 2—

On the motion of Mr Prosser, the following amendment was made: Attorney-General’s Department, subdivision 807.02, omit “800 000”, substitute “556 463”.

On the motion of Mr Beazley (Minister for Finance), by leave, the following amendment was made: Pages 9 to 31, omit each amount that incorporates the amount appropriated under item 2 of Division 807 in the Schedule, substitute an amount equal to that first-mentioned amount reduced by \$243 537.

Schedule, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole.

On the motion of Mr Beazley, the following amendment was made: Clause 3, page 1, omit “576 570 000”, substitute “576 326 463”.

Remainder of Bill, as amended, debated and agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), by leave, the Bill was read a third time.

#### 17 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 1995-96

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 Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), the Bill was read a third time.

**18 MESSAGE FROM THE SENATE—CUSTOMS TARIFF LEGISLATION AMENDMENT BILL 1995**

The following message from the Senate was reported:

Message No. 587

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Customs Tariff Act 1987’ and the ‘Customs Tariff Amendment Act (No. 2) 1993’*, and for related purposes”, and requests the House to amend the bill as indicated by the annexed schedule.

MICHAEL BEAHAN  
President

The Senate

Canberra, 27 November 1995

Ordered—That the amendments requested by the Senate be considered at the next sitting.

**19 MESSAGE FROM THE SENATE—EXCISE TARIFF AMENDMENT BILL (NO. 2) 1995**

The following message from the Senate was reported:

Message No. 588

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Excise Tariff Act 1921’*”, and requests the House to amend the bill as indicated by the annexed schedule.

MICHAEL BEAHAN  
President

The Senate

Canberra, 27 November 1995

Ordered—That the amendments requested by the Senate be considered at the next sitting.

**20 MESSAGE FROM THE SENATE**

Message No. 589, dated 28 November 1995, from the Senate was reported acquainting the House of a resolution agreed to by the Senate approving, in accordance with section 5 of the *Parliament Act 1974*, the proposal by the National Capital Planning Authority to install additional lighting to the car parks associated with the Treasury Building, Parkes, ACT.

**21 FAMILY LAW REFORM (CONSEQUENTIAL AMENDMENTS) BILL 1995—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Family Law Reform (Consequential Amendments) Bill 1995 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.



Bill agreed to.

On the motion of Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), by leave, the Bill was read a third time.

## 22 ADJOURNMENT

Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development) moved—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 9.30 a.m.

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## PAPERS

The following papers were deemed to have been presented on 28 November 1995:

Public Service Act—Determinations 1995 Nos. 89, 158, 159.

Remuneration Tribunal Act—Remuneration Tribunal—Determinations 1995 Nos. 19, 20, 21, 22.

Student and Youth Assistance Act—Ministerial policy statement, 13 March 1995.

*Telecommunications Act 1991*—Telstra Carrier Charges—Price control arrangements—Direction 1995 No. 1.

Telstra Corporation Act—Telstra carrier charges—Price control arrangements, notification and disallowance—Determination 1995.

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## ATTENDANCE

All Members attended (at some time during the sitting) except Mr Georgiou, Mr Jull\*, Mr Keating, Mr Lavarch, Mr McLachlan, Mr Newell and Mr Woods.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives

1993-94-95

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

No. 182

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**MAIN COMMITTEE**

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**MINUTES OF PROCEEDINGS**

**TUESDAY, 28 NOVEMBER 1995**

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1 The Main Committee met at 1 p.m.

**2 TRANSPORT LEGISLATION AMENDMENT BILL (NO. 3) 1995**

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

Debate ensued.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), Bill to be reported to the House without amendment.

**3 FAMILY LAW REFORM (CONSEQUENTIAL AMENDMENTS) BILL 1995**

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

Debate ensued.

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*Suspension of sitting:* At 2.30 p.m., the Deputy Speaker left the Chair.

*Resumption of sitting:* At 5.33 p.m., the Deputy Speaker resumed the Chair.

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Debate continued.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Duncan, Bill to be reported to the House without amendment.

**4 ADJOURNMENT**

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the Main Committee adjourned at 6.15 p.m.

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



**I. C. HARRIS**

Clerk of the Main Committee