

1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 22

WEDNESDAY, 26 JUNE 1996

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

2 **WORKPLACE RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1996**

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 McMullan, 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 is of the opinion that the Bill should not be proceeded with, for the following reasons:

- (1) it breaches the Prime Minister’s ‘rock solid guarantee’ that no-one will be worse off;
- (2) it opens the door to cutting youth wages and introducing a \$3.00 per hour youth wage;
- (3) it removes the fairness which is entrenched in the existing industrial relations system;
- (4) it does not recognise the legitimacy and desirability of employees organising and bargaining collectively;
- (5) it proceeds from a fundamentally flawed assumption that the parties to the employment relationship have equal bargaining power;
- (6) it severely restricts the central role of the Australian Industrial Relations Commission in the industrial relations system;
- (7) it undermines the award system as the dynamic framework for the protection and advancement of wages and conditions;
- (8) it removes workplace and enterprise bargaining from the protections of the Australian Industrial Relations Commission;
- (9) it will aggravate problems of inequality for women, young people and those most vulnerable in the labour market;

- (10) it fails to provide a core framework for the prevention and settlement of industrial disputes;
- (11) it emphasises the punishment of industrial action rather than its resolution; and
- (12) it fails to ensure that Australia's labour standards meet our international obligations"—

Debate resumed.

Debate adjourned (Mr Katter), and the resumption of the debate made an order of the day for a later hour this day.

3 DEVELOPMENT IMPORT FINANCE FACILITY PROGRAM—STATEMENTS BY MEMBERS

Mr Downer (Minister for Foreign Affairs), by leave, made a statement about responses he had given to a number of questions on the cancellation of the Development Import Finance Facility program.

Mr Beazley (Leader of the Opposition), by indulgence, made a statement in relation to the matter.

4 WORKPLACE RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1996

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 McMullan, 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 is of the opinion that the Bill should not be proceeded with, for the following reasons:

- (1) it breaches the Prime Minister's ‘rock solid guarantee’ that no-one will be worse off;
- (2) it opens the door to cutting youth wages and introducing a \$3.00 per hour youth wage;
- (3) it removes the fairness which is entrenched in the existing industrial relations system;
- (4) it does not recognise the legitimacy and desirability of employees organising and bargaining collectively;
- (5) it proceeds from a fundamentally flawed assumption that the parties to the employment relationship have equal bargaining power;
- (6) it severely restricts the central role of the Australian Industrial Relations Commission in the industrial relations system;
- (7) it undermines the award system as the dynamic framework for the protection and advancement of wages and conditions;
- (8) it removes workplace and enterprise bargaining from the protections of the Australian Industrial Relations Commission;

- (9) it will aggravate problems of inequality for women, young people and those most vulnerable in the labour market;
- (10) it fails to provide a core framework for the prevention and settlement of industrial disputes;
- (11) it emphasises the punishment of industrial action rather than its resolution; and
- (12) it fails to ensure that Australia's labour standards meet our international obligations"—

Debate resumed.

It being 2 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 being asked—

Paper: Mr P. F. Morris, in accordance with standing order 321, having called for documents quoted from by Mr Fischer (Minister for Trade)—

Mr Fischer presented the following paper:

Extraterritorial trend in US lawmaking—Question time brief.

Questions without notice continuing—

Minister for Foreign Affairs—Motion of censure

Mr Beazley (Leader of the Opposition), by leave, moved—That this House censures the Foreign Minister for his repeated misleading of the House on regional concerns with the abolition of the DIFF program and calls upon him to resign.

Debate ensued.

Question—put.

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

AYES, 45

Mr Adams	Mr M. J. Ferguson	Mr Lee	Mr Quick
Mr Albanese	Mr Fitzgibbon	Mr McClelland	Mr Sawford*
Mr P. J. Baldwin	Mr E. L. Grace*	Ms Macklin	Mr Sercombe
Mr Beazley	Mr Griffin	Mr McLeay	Mr S. F. Smith
Mr Beddall	Mr Hatton	Mr McMullan	Mr Tanner
Mr Bevis	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mr Crean	Mr Jenkins	Mr A. A. Morris	Mr Willis
Ms Ellis	Mr Kerr	Mr P. F. Morris	Mr Wilton
Mr G. J. Evans	Mr Langmore	Mr Mossfield	
Mr M. J. Evans	Mr Latham	Mr O'Keefe	
Mr L. D. T. Ferguson	Dr Lawrence	Mr Price	

NOES, 90

Mr Abbott	Mrs Elson	Mr Lindsay	Mr Sharp
Mr Anderson	Mr Entsch	Mr Lloyd	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McArthur*	Mr Slipper
Mr K. J. Andrews	Mr Fahey	Mr McDougall	Mr A. C. Smith
Mr Anthony	Mr Fischer	Mr McGauran	Mr W. L. Smith
Mrs Bailey	Mr Forrest	Mr Marek	Mr Somlyay
Mr R. C. Baldwin	Ms Gambaro	Mr Miles	Dr Southcott
Mr Barresi	Mrs Gash	Mr Moore	Mrs Stone
Mr Bartlett	Mr Georgiou	Mrs Moylan	Mrs Sullivan
Mr Billson	Mrs E. J. Grace	Mr Mutch	Mr Taylor
Mrs Bishop	Mr Hardgrave	Mr Nairn	Mr A. P. Thomson
Mr Broadbent	Mr Hawker	Mr Nehl	Mr Truss
Mr Brough	Mr Hicks*	Dr Nelson	Mr Tuckey
Mr Cadman	Mr Hockey	Mr Neville	Mr M. A. J. Vaile
Mr E. H. Cameron	Mr Howard	Mr Nugent	Ms D. S. Vale
Mr R. A. Cameron	Ms Jeanes	Mr Prosser	Mr Wakelin
Mr Causley	Mrs Johnston	Mr Pyne	Mrs West
Mr Charles	Mr Jull	Mr Randall	Mr Williams
Mr Cobb	Mr Katter	Mr Reid	Dr Wooldridge
Mr Costello	Mrs D. M. Kelly	Mr Reith	Ms Worth
Mr Dondas	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mr Downer	Dr Kemp	Mr Ruddock	
Mrs Draper	Mr Lieberman	Mr Scott	

* Tellers

And so it was negatived.

Questions without notice concluded.

6 PAPERS

The following papers were presented:

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—

Federal Airports Corporation (FAC)—Report for 1995.

Qantas Airways Limited—Report for period 1 July 1994 to 30 July 1995.

International Labour Organisation—International Labour Conference—82nd session, 1995—

Compliance report.

Convention 176—Safety and health in mines.

Protocol—Labour inspection convention, 1947 (No. 81).

Recommendation 183—Safety and health in mines.

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

Protest against new gun laws (Mr Andren, 166 petitioners).

Support for gun control measures (Mr Billson, 80 petitioners).

Support for legislation to ban the sale and distribution of x-rated videos (Mr Griffin, 369 petitioners).

Toukley Medicare/Medibank service (Mr P. F. Morris, 300 petitioners).

Sex Discrimination Act 1984—Review by the Attorney-General of the operation of subsections 40(2) and 40(3), 31 May 1996.

7 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INTERNATIONAL RELATIONSHIPS

The House was informed that Mr Beazley (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The enormous damage being done to Australia’s international relationships, particularly in the Asian region, from the mishandling of the DIFF program by the Minister for Foreign Affairs”.

The proposed discussion having received the necessary support—

Mr Beazley rising to address the House—

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

Question—put and passed.

8 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

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 Bills:

24 June 1996—Message No. 20—

Housing Loans Insurance Corporation (Transfer of Assets and Abolition) 1996.

Customs Tariff (Miscellaneous Amendments) 1996.

9 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE

The House was informed of the following nominations of Members to be members of the Joint Standing Committee on the National Capital and External Territories:

Mrs Johnston, Mr Neville and Dr Southcott had been nominated by the Chief Government Whip and Ms Ellis and Mr Langmore had been nominated by the Chief Opposition Whip.

10 PUBLICATIONS COMMITTEE

Mr Reith (Leader of the House), by leave, moved—That Mr Cobb, Ms Ellis, Mr R. D. C. Evans, Mr Griffin, Mr Lieberman, Mr Martin and Mr Mutch be members of the Publications Committee.

Question—put and passed.

11 MATTER REFERRED TO MAIN COMMITTEE

Mr Cadman (Chief Government Whip), pursuant to notice, moved—That the following order of the day, government business, be referred to the Main Committee for debate: Foreign Affairs, Defence and Trade—Joint Standing Committee—Report on provision of academic studies and professional military

education to officer cadets and officers of the Australian Defence Force—
Government response—Motion to take note of paper.

Question—put and passed.

12 CRIMES AMENDMENT (CONTROLLED OPERATIONS) BILL 1996—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Crimes Amendment (Controlled Operations) Bill 1996 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 Mr Reith (Leader of the House), by leave, the Bill was read a third time.

13 AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1996—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Australian Federal Police Amendment Bill 1996 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 Mr Reith (Leader of the House), by leave, the Bill was read a third time.

14 AUSTRALIAN CAPITAL TERRITORY GOVERNMENT SERVICE (CONSEQUENTIAL PROVISIONS) AMENDMENT BILL 1996

Mr Reith (Minister Assisting the Prime Minister for the Public Service), pursuant to notice, presented a Bill for an Act to amend the *Australian Capital Territory Government Service (Consequential Provisions) Act 1994*, and for related purposes.

Bill read a first time.

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

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

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

15 AUSTRALIAN ANIMAL HEALTH COUNCIL (LIVE-STOCK INDUSTRIES) FUNDING BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to direct funds to the Australian Animal Health Council, and for related purposes.

Bill read a first time.

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

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

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

16 CATTLE EXPORT CHARGES AMENDMENT (AAHC) BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Cattle Export Charges Act 1990*, and for related purposes.

Bill read a first time.

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

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

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

17 CATTLE TRANSACTION LEVY AMENDMENT (AAHC) BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Cattle Transaction Levy Act 1995*, and for related purposes.

Bill read a first time.

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

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

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

18 LAYING CHICKEN LEVY AMENDMENT (AAHC) BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Laying Chicken Levy Act 1988*, and for related purposes.

Bill read a first time.

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

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

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

19 LIVE-STOCK EXPORT CHARGE AMENDMENT (AAHC) BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Live-stock Export Charge Act 1977*, and for related purposes.

Bill read a first time.

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

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

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

20 LIVE-STOCK SLAUGHTER LEVY AMENDMENT (AAHC) BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Live-stock Slaughter Levy Act 1964*, and for related purposes.

Bill read a first time.

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

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

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

21 MEAT CHICKEN LEVY AMENDMENT (AAHC) BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Meat Chicken Levy Act 1969*, and for related purposes.

Bill read a first time.

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

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

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

22 PIG SLAUGHTER LEVY AMENDMENT (AAHC) BILL 1996

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Pig Slaughter Levy Act 1971*, and for related purposes.

Bill read a first time.

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

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

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

23 INDUSTRY RESEARCH AND DEVELOPMENT AMENDMENT BILL 1996

Mr Moore (Minister for Industry, Science and Tourism) presented a Bill for an Act to amend the *Industry Research and Development Act 1986* and the *Income Tax Assessment Act 1936*, and for related purposes.

Bill read a first time.

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

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

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

24 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 1) 1996

Dr Kemp (Minister for Schools, Vocational Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Higher Education Funding Act 1988*, and for related purposes.

Bill read a first time.

Dr Kemp moved—That the Bill be now read a second time.

Paper: Dr Kemp presented an explanatory memorandum to the Bill.

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

25 DEFENCE LEGISLATION AMENDMENT BILL (NO. 1) 1996

Mrs Bishop (Minister for Defence Industry, Science and Personnel), pursuant to notice, presented a Bill for an Act to amend various Acts relating to defence, and for related purposes.

Bill read a first time.

Mrs Bishop moved—That the Bill be now read a second time.

Paper: Mrs Bishop presented an explanatory memorandum to the Bill.

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

26 BANKRUPTCY LEGISLATION AMENDMENT BILL 1996

Mr Williams (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Administrative Decisions (Judicial Review) Act 1977* and the *Bankruptcy Act 1966*, and for related purposes.

Bill read a first time.

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

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

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

27 LEGISLATIVE INSTRUMENTS BILL 1996

Mr Williams (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act relating to the making, registration, Parliamentary scrutiny and periodic repeal of legislative instruments, and for related purposes.

Bill read a first time.

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

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

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

28 MUTUAL ASSISTANCE IN CRIMINAL MATTERS LEGISLATION AMENDMENT BILL 1996

Mr Williams (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Mutual Assistance in Criminal Matters Act 1987*, and for related purposes.

Bill read a first time.

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

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

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

29 FLAGS AMENDMENT BILL 1996

Mr Jull (Minister for Administrative Services), pursuant to notice, presented a Bill for an Act to amend the *Flags Act 1953*.

Bill read a first time.

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

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

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

30 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE

Mr Jull (Minister for Administrative Services), by leave, moved—That Mr Hatton be a member of the Parliamentary Standing Committee on Public Works, in place of Mr Lee.

Question—put and passed.

31 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE

The House was informed that the Chief Opposition Whip had nominated Mr Hatton to be a member of the Standing Committee on Legal and Constitutional Affairs, in place of Mr Lee.

32 WORKPLACE RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1996

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 McMullan, 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 is of the opinion that the Bill should not be proceeded with, for the following reasons:

- (1) it breaches the Prime Minister’s ‘rock solid guarantee’ that no-one will be worse off;
- (2) it opens the door to cutting youth wages and introducing a \$3.00 per hour youth wage;
- (3) it removes the fairness which is entrenched in the existing industrial relations system;
- (4) it does not recognise the legitimacy and desirability of employees organising and bargaining collectively;
- (5) it proceeds from a fundamentally flawed assumption that the parties to the employment relationship have equal bargaining power;
- (6) it severely restricts the central role of the Australian Industrial Relations Commission in the industrial relations system;
- (7) it undermines the award system as the dynamic framework for the protection and advancement of wages and conditions;

- (8) it removes workplace and enterprise bargaining from the protections of the Australian Industrial Relations Commission;
- (9) it will aggravate problems of inequality for women, young people and those most vulnerable in the labour market;
- (10) it fails to provide a core framework for the prevention and settlement of industrial disputes;
- (11) it emphasises the punishment of industrial action rather than its resolution; and
- (12) it fails to ensure that Australia's labour standards meet our international obligations"—

Paper: Mr Reith (Minister for Industrial Relations) presented a supplementary explanatory memorandum to the Bill.

Declaration of Bill as urgent Bill: Mr Reith declared that the Bill was an urgent Bill.

Question—That the Bill be considered an urgent Bill—put.

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

AYES, 84

Mr Abbott	Mrs Draper	Mr Lindsay	Mr Ruddock
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Scott
Mr J. N. Andrew	Mr Entsch	Mr McArthur*	Mr Sharp
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McDougall	Mr Sinclair
Mr Anthony	Mr Filing	Mr McGauran	Mr A. C. Smith
Mrs Bailey	Ms Gambaro	Mr Marek	Mr W. L. Smith
Mr R. C. Baldwin	Mrs Gash	Mr Miles	Mr Somlyay
Mr Barresi	Mr Georgiou	Mr Moore	Dr Southcott
Mr Bartlett	Mrs E. J. Grace	Mrs Moylan	Mrs Stone
Mr Billson	Mr Hardgrave	Mr Mutch	Mrs Sullivan
Mrs Bishop	Mr Hawker	Mr Nairn	Mr Taylor
Mr Broadbent	Mr Hicks*	Mr Nehl	Mr A. P. Thomson
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Neville	Mr M. A. J. Vaile
Mr E. H. Cameron	Mrs Johnston	Mr Nugent	Ms D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Prosser	Mr Wakelin
Mr Causley	Mr Katter	Mr Pyne	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Randall	Mr Williams
Mr Costello	Miss J. M. Kelly	Mr Reid	Dr Wooldridge
Mr Dondas	Dr Kemp	Mr Reith	Ms Worth
Mr Downer	Mr Lieberman	Mr Ronaldson	Mr Zammit

NOES, 44

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr Andren	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr E. L. Grace*	Ms Macklin	Mr Sawford*
Mr Beddall	Mr Griffin	Mr McLeay	Mr Sercombe
Mr Bevis	Mr Hatton	Mr McMullan	Mr S. F. Smith
Mr Brown	Mr Hollis	Mr Martin	Mr Tanner
Mr Crean	Mr Jenkins	Mr Melham	Dr Theophanous
Ms Ellis	Mr Kerr	Mr A. A. Morris	Mr K. J. Thomson
Mr G. J. Evans	Mr Langmore	Mr P. F. Morris	Mr Willis
Mr M. J. Evans	Mr Latham	Mr Mossfield	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

Allotment of time: Mr Reith then moved—That the time allotted in connection with the Bill be as follows:

- (a) for the second reading, until 7 p.m. today;
- (b) for the consideration in detail stage, until 10 p.m. today; and
- (c) for the remaining stages, until 10.10 p.m. today.

Debate ensued.

Question—put.

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

AYES, 86

Mr Abbott	Mrs Elson	Mr Lloyd	Mr Sharp
Mr Anderson	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McDougall	Mr A. C. Smith
Mr K. J. Andrews	Mr Fischer	Mr McGauran	Mr W. L. Smith
Mr Anthony	Mr Forrest	Mr Marek	Mr Somlyay
Mrs Bailey	Ms Gamaro	Mr Miles	Dr Southcott
Mr R. C. Baldwin	Mrs Gash	Mr Moore	Mrs Stone
Mr Barresi	Mr Georgiou	Mrs Moylan	Mrs Sullivan
Mr Bartlett	Mrs E. J. Grace	Mr Mutch	Mr Taylor
Mr Billson	Mr Hardgrave	Mr Nairn	Mr A. P. Thomson
Mrs Bishop	Mr Hawker	Mr Nehl	Mr Truss
Mr Broadbent	Mr Hicks*	Dr Nelson	Mr Tuckey
Mr Brough	Mr Hockey	Mr Neville	Mr M. A. J. Vaile
Mr Cadman	Ms Jeanes	Mr Nugent	Ms D. S. Vale
Mr E. H. Cameron	Mrs Johnston	Mr Prosser	Mr Wakelin
Mr R. A. Cameron	Mr Jull	Mr Pyne	Mrs West
Mr Causley	Mr Katter	Mr Randall	Mr Williams
Mr Cobb	Mrs D. M. Kelly	Mr Reid	Dr Wooldridge
Mr Costello	Miss J. M. Kelly	Mr Reith	Ms Worth
Mr Dondas	Dr Kemp	Mr Ronaldson	Mr Zammit
Mr Downer	Mr Lieberman	Mr Ruddock	
Mr Draper	Mr Lindsay	Mr Scott	

NOES, 45

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr Price
Mr Albanese	Mr Filing	Mr Lee	Mr Sawford*
Mr Andren	Mr Fitzgibbon	Mr McClelland	Mr Sercombe
Mr P. J. Baldwin	Mr E. L. Grace*	Ms Macklin	Mr S. F. Smith
Mr Beddall	Mr Griffin	Mr McLeay	Mr Tanner
Mr Bevis	Ms Hanson	Mr McMullan	Dr Theophanous
Mr Brown	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mr Crean	Mr Hollis	Mr Melham	Mr Willis
Ms Ellis	Mr Jenkins	Mr A. A. Morris	Mr Wilton
Mr G. J. Evans	Mr Kerr	Mr P. F. Morris	
Mr M. J. Evans	Mr Langmore	Mr Mossfield	
Mr L. D. T. Ferguson	Mr Latham	Mr O'Keefe	

* Tellers

And so it was resolved in the affirmative.

Debate resumed on the original question and the amendment.

Limitation of debate: At 7 p.m., the time allotted for the second reading having expired—

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 83

Mr Abbott	Mrs Elson	Mr McArthur*	Mr Sharp
Mr K. J. Andrews	Mr Entsch	Mr McDougall	Mr Sinclair
Mr Anthony	Mr R. D. C. Evans	Mr McGauran	Mr A. C. Smith
Mrs Bailey	Mr Filing	Mr Marek	Mr W. L. Smith
Mr R. C. Baldwin	Mr Forrest	Mr Miles	Mr Somlyay
Mr Barresi	Ms Gambaro	Mr Moore	Dr Southcott
Mr Bartlett	Mrs Gash	Mrs Moylan	Mrs Stone
Mr Billson	Mr Georgiou	Mr Mutch	Mrs Sullivan
Mrs Bishop	Mrs E. J. Grace	Mr Nairn	Mr Taylor
Mr Broadbent	Mr Hardgrave	Mr Nehl	Mr A. P. Thomson
Mr Brough	Mr Hawker	Dr Nelson	Mr Truss
Mr Cadman	Mr Hicks*	Mr Neville	Mr Tuckey
Mr E. H. Cameron	Mr Hockey	Mr Nugent	Mr M. A. J. Vaile
Mr R. A. Cameron	Mrs Johnston	Mr Prosser	Ms D. S. Vale
Mr Causley	Mr Jull	Mr Pyne	Mr Wakelin
Mr Charles	Mr Katter	Mr Randall	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reid	Mr Williams
Mr Costello	Dr Kemp	Mr Reith	Dr Wooldridge
Mr Dondas	Mr Lieberman	Mr Ronaldson	Ms Worth
Mr Downer	Mr Lindsay	Mr Ruddock	Mr Zammit
Mrs Draper	Mr Lloyd	Mr Scott	

NOES, 42

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Albanese	Mr Fitzgibbon	Mr McClelland	Mr Sawford*
Mr P. J. Baldwin	Mr E. L. Grace*	Ms Macklin	Mr Sercombe
Mr Beddall	Mr Griffin	Mr McLeay	Mr S. F. Smith
Mr Bevis	Mr Hatton	Mr McMullan	Mr Tanner
Mr Brown	Mr Holding	Mr Martin	Dr Theophanous
Mr Crean	Mr Hollis	Mr Melham	Mr K. J. Thomson
Ms Ellis	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr G. J. Evans	Mr Kerr	Mr P. F. Morris	Mr Wilton
Mr M. J. Evans	Mr Langmore	Mr Mossfield	
Mr L. D. T. Ferguson	Mr Latham	Mr O'Keefe	

* Tellers

And so it was resolved in the affirmative.

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

The House divided (the Deputy Speaker, Mr J. N. Andrew, in the Chair)—

AYES, 84

Mr Abbott	Mrs Elson	Mr Lloyd	Mr Scott
Mr K. J. Andrews	Mr Entsch	Mr McArthur*	Mr Sharp
Mr Anthony	Mr R. D. C. Evans	Mr McDougall	Mr Sinclair
Mrs Bailey	Mr Filing	Mr McGauran	Mr A. C. Smith
Mr R. C. Baldwin	Mr Forrest	Mr Marek	Mr W. L. Smith
Mr Barresi	Ms Gambaro	Mr Miles	Mr Somlyay
Mr Bartlett	Mrs Gash	Mr Moore	Dr Southcott
Mr Billson	Mr Georgiou	Mrs Moylan	Mrs Stone
Mrs Bishop	Mrs E. J. Grace	Mr Mutch	Mrs Sullivan
Mr Broadbent	Mr Hardgrave	Mr Nairn	Mr Taylor
Mr Brough	Mr Hawker	Mr Nehl	Mr A. P. Thomson
Mr Cadman	Mr Hicks*	Dr Nelson	Mr Truss
Mr E. H. Cameron	Mr Hockey	Mr Neville	Mr Tuckey
Mr R. A. Cameron	Mrs Johnston	Mr Nugent	Mr M. A. J. Vaile
Mr Causley	Mr Jull	Mr Prosser	Ms D. S. Vale
Mr Charles	Mr Katter	Mr Pyne	Mr Wakelin
Mr Cobb	Mrs D. M. Kelly	Mr Randall	Mrs West
Mr Costello	Miss J. M. Kelly	Mr Reid	Mr Williams
Mr Dondas	Dr Kemp	Mr Reith	Dr Wooldridge
Mr Downer	Mr Lieberman	Mr Ronaldson	Ms Worth
Mrs Draper	Mr Lindsay	Mr Ruddock	Mr Zammit

NOES, 43

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr Price
Mr Albanese	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr P. J. Baldwin	Mr E. L. Grace*	Ms Macklin	Mr Sawford*
Mr Beddall	Mr Griffin	Mr McLeay	Mr Sercombe
Mr Bevis	Mr Hatton	Mr McMullan	Mr S. F. Smith
Mr Brown	Mr Holding	Mr Martin	Mr Tanner
Mr Crean	Mr Hollis	Mr Melham	Dr Theophanous
Ms Ellis	Mr Jenkins	Mr A. A. Morris	Mr K. J. Thomson
Mr G. J. Evans	Mr Kerr	Mr P. F. Morris	Mr Willis
Mr M. J. Evans	Mr Langmore	Mr Mossfield	Mr Wilton
Mr L. D. T. Ferguson	Mr Latham	Mr O'Keefe	

* Tellers

And so it was resolved in the affirmative—Bill read a second time.

Message from the Governor-General: Message No. 21, dated 27 May 1996, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Clauses 1 to 4, by leave, taken together.

On the motion of Mr Reith, by leave, the following amendments were made together, after debate:

Clause 2, page 2 (line 2), after “Schedule 10”, insert “, item 90 of Schedule 17”.

Clause 2, page 2 (after line 11), at the end of the clause, add:

- (6) If item 35 of Schedule 5 and item 3 of Schedule 7 commence on the same day, item 3 of Schedule 7 commences immediately after item 35 of Schedule 5.

Clauses, as amended, agreed to.

Schedule 1—

Mr McMullan moved the following amendment:

Pages 3 and 4, omit item 1, substitute the following item:

1 Section 3

Repeal the section, substitute:

3 Principal object of this Act

The principal object of this Act is to provide a framework for cooperative industrial relations which promotes the economic prosperity and welfare of the people of Australia by:

- (a) encouraging the pursuit of high employment, improved living standards, better pay, low inflation and international competitiveness through higher productivity and a flexible and fair labour market; and
- (b) within the framework provided by this Act and with the protections provided by the Commission, ensuring that the

primary responsibility for determining matters affecting the relationship between employers and employees rests with the employer and employees at the workplace or enterprise level; and

- (c) enabling employers and employees to choose the most appropriate form of agreement for their particular circumstances; and
- (d) providing the means:
 - (i) for wages and conditions of employment to be determined as far as possible by the agreement of employers and employees at the workplace or enterprise level, upon a foundation of minimum standards; and
 - (ii) to ensure that there is an effective award system providing secure, relevant, and consistent wages and conditions of employment; and
- (e) providing a framework of rights and responsibilities for employers and employees, and their organisations, which supports fair and effective bargaining and ensures that they abide by awards and agreements applying to them; and
- (f) ensuring freedom of association, including the rights of employers and employees to join an organisation or association of their choice, or not to join an organisation or association, while maintaining the rights of employers and employees to organise and bargain collectively; and
- (g) encouraging and facilitating the development and registration of organisations of employers and employees, and ensuring these organisations are representative of and accountable to their members; and
- (h) enabling the Commission to prevent and settle industrial disputes
 - (i) so far as possible, by conciliation; and
 - (ii) where necessary, by arbitration; and
- (i) assisting employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers; and
- (j) respecting and valuing the diversity of the work force by helping to prevent and eliminate discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin; and

- (k) ensuring that labour standards meet Australia's international obligations.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 37

Mr Albanese	Mr Fitzgibbon	Mr McClelland	Mr Sercombe
Mr Andren	Mr E. L. Grace*	Ms Macklin	Mr S. F. Smith
Mr P. J. Baldwin	Mr Griffin	Mr McLeay	Mr Tanner
Mr Beddall	Mr Hatten	Mr McMullan	Dr Theophanous
Mr Brown	Mr Holding	Mr Martin	Mr K. J. Thomson
Mr Crean	Mr Jenkins	Mr Melham	Mr Willis
Ms Ellis	Mr Kerr	Mr P. F. Morris	Mr Wilton
Mr M. J. Evans	Mr Langmore	Mr O'Keefe	
Mr L. D. T. Ferguson	Mr Latham	Mr Quick	
Mr M. J. Ferguson	Dr Lawrence	Mr Sawford*	

NOES, 76

Mr Abbott	Mrs Draper	Mr Lindsay	Mr Sharp
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Sinclair
Mr J. N. Andrew	Mr Entsch	Mr McArthur*	Mr A. C. Smith
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McDougall	Mr W. L. Smith
Mr Anthony	Mr Fischer	Mr McGauran	Mr Somlyay
Mrs Bailey	Mr Forrest	Mr Marek	Dr Southcott
Mr R. C. Baldwin	Ms Gambaro	Mrs Moylan	Mrs Stone
Mr Barresi	Mrs Gash	Mr Mutch	Mrs Sullivan
Mr Bartlett	Mr Georgiou	Mr Nairn	Mr Taylor
Mr Billson	Mrs E. J. Grace	Mr Nehl	Mr A. P. Thomson
Mr Broadbent	Mr Hardgrave	Dr Nelson	Mr Truss
Mr Brough	Mr Hicks*	Mr Neville	Mr Tuckey
Mr Cadman	Mr Hockey	Mr Prosser	Mr M. A. J. Vaile
Mr E. H. Cameron	Ms Jeanes	Mr Pyne	Ms D. S. Vale
Mr R. A. Cameron	Mrs Johnston	Mr Randall	Mr Wakelin
Mr Causley	Mr Jull	Mr Reith	Mrs West
Mr Charles	Mrs D. M. Kelly	Mr Ronaldson	Mr Williams
Mr Cobb	Dr Kemp	Mr Ruddock	Ms Worth
Mr Dondas	Mr Lieberman	Mr Scott	Mr Zammit

* Tellers

And so it was negated.

Mr Reith moved the following amendment: Item 1, page 3 (line 29), before "minimum", insert "fair".

Debate continued.

Limitation of debate: The time allotted for the consideration in detail stage having expired—

Question—That the amendment be agreed to—put and passed.

Question—That the schedule, as amended, be agreed to—put.

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

AYES, 76

Mr Abbott	Mrs Draper	Mr Lindsay	Mr Scott
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Sharp
Mr J. N. Andrew	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McDougall	Mr A. C. Smith
Mr Anthony	Mr Forrest	Mr McGauran	Mr W. L. Smith
Mrs Bailey	Ms Gambaro	Mr Marek	Mr Somlyay
Mr R. C. Baldwin	Mrs Gash	Mr Miles	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Moore	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mrs Moylan	Mr Taylor
Mr Billson	Mr Hardgrave	Mr Mutch	Mr A. P. Thomson
Mr Broadbent	Mr Hicks*	Mr Nairn	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Neville	Mr M. A. J. Vaile
Mr E. H. Cameron	Mrs Johnston	Mr Prosser	Ms D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Pyne	Mr Wakelin
Mr Causley	Mrs D. M. Kelly	Mr Randall	Mrs West
Mr Charles	Miss J. M. Kelly	Mr Reith	Mr Williams
Mr Cobb	Dr Kemp	Mr Ronaldson	Ms Worth
Mr Dondas	Mr Lieberman	Mr Ruddock	Mr Zammit

NOES, 40

Mr Adams	Mr M. J. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr Fitzgibbon	Mr Lee	Mr Quick
Mr Andren	Mr E. L. Grace*	Ms Macklin	Mr Sawford*
Mr P. J. Baldwin	Mr Griffin	Mr McLeay	Mr Sercombe
Mr Beddall	Mr Hatton	Mr McMullan	Mr S. F. Smith
Mr Brown	Mr Holding	Mr Martin	Mr Tanner
Mr Crean	Mr Jenkins	Mr Melham	Dr Theophanous
Ms Ellis	Mr Kerr	Mr A. A. Morris	Mr K. J. Thomson
Mr M. J. Evans	Mr Langmore	Mr P. F. Morris	Mr Willis
Mr L. D. T. Ferguson	Mr Latham	Mr Mossfield	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

Question—That the remainder of the Bill and the remainder of the amendments circulated by the Government be agreed to—put.

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

AYES, 76

Mr Abbott	Mrs Draper	Mr Lindsay	Mr Scott
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Sharp
Mr J. N. Andrew	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McDougall	Mr A. C. Smith
Mr Anthony	Mr Forrest	Mr McGauran	Mr W. L. Smith
Mrs Bailey	Ms Gambaro	Mr Marek	Mr Somlyay
Mr R. C. Baldwin	Mrs Gash	Mr Miles	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Moore	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mrs Moylan	Mr Taylor
Mr Billson	Mr Hardgrave	Mr Mutch	Mr A. P. Thomson
Mr Broadbent	Mr Hicks*	Mr Nairn	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Neville	Mr M. A. J. Vaile
Mr E. H. Cameron	Mrs Johnston	Mr Prosser	Ms D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Pyne	Mr Wakelin
Mr Causley	Mrs D. M. Kelly	Mr Randall	Mrs West
Mr Charles	Miss J. M. Kelly	Mr Reith	Mr Williams
Mr Cobb	Dr Kemp	Mr Ronaldson	Ms Worth
Mr Dondas	Mr Lieberman	Mr Ruddock	Mr Zammit

NOES, 41

Mr Adams	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Albanese	Mr E. L. Grace*	Mr McLeay	Mr Sercombe
Mr Andren	Mr Griffin	Mr McMullan	Mr S. F. Smith
Mr P. J. Baldwin	Mr Hatton	Mr Martin	Mr Tanner
Mr Beddall	Mr Holding	Mr Melham	Dr Theophanous
Mr Brown	Mr Jenkins	Mr A. A. Morris	Mr K. J. Thomson
Mr Crean	Mr Kerr	Mr P. F. Morris	Mr Willis
Ms Ellis	Mr Langmore	Mr Mossfield	Mr Wilton
Mr M. J. Evans	Mr Latham	Mr O'Keefe	
Mr L. D. T. Ferguson	Dr Lawrence	Mr Price	
Mr M. J. Ferguson	Mr Lee	Mr Quick	

* Tellers

And so it was resolved in the affirmative.

The remainder of the amendments circulated by the Government were accordingly made in the Bill, and are as follows:

Schedule 3—

Item 2, page 10 (lines 25 and 26), omit “the following premises or place”.

Item 2, page 10 (line 27), omit “premises on”, substitute “a place of business in”.

Item 2, page 11 (line 1), omit “on premises or”.

Item 2, page 11 (lines 32 to 36), omit subsection (8), substitute:

- (8) Before entering a place under this section, an authorised officer must announce that he or she is authorised to enter the place. If the occupier or another person who apparently represents the occupier is present, the authorised officer must produce his or her identity card to that person for inspection.

Schedule 4—

Item 8, page 19 (lines 29 to 33), omit the item.

Schedule 5—

Item 5, page 23 (line 24), omit “in force”, substitute “made”.

Item 35, page 33 (lines 3 to 12), omit the item, substitute:

35 At the end of section 152

Add:

(2) If:

- (a) but for this subsection, an award would become binding on an employer in respect of an employee at a particular time; and
- (b) immediately before that time, the wages and conditions of employment of the employee were regulated by a State employment agreement;

then the award is not binding on any person in respect of the employee, while the wages and conditions of employment of the employee continue to be regulated by the agreement.

(3) If, at a particular time, a State employment agreement that is made after the commencement of this subsection would regulate wages and conditions of employment of an employee but for the fact that an award is binding on an employer in respect of the employee, then:

- (a) the award does not prevent the agreement from coming into force and regulating the wages and conditions of employment of the employee; and
- (b) while the agreement continues to regulate those wages and conditions, the award is not binding on any person in respect of the employee.

Schedule 7—

Item 3, page 43 (line 16), omit “provides for a remedy”, substitute “makes provision”.

Item 3, page 43 (lines 17 and 18), omit “an award that also provides for a remedy”, substitute “a Federal award that also makes provision”.

Item 5, page 55 (lines 9 and 10), omit paragraph (c), substitute:

- (c) the employee is guilty of serious misconduct, that is, misconduct of such a nature that it would be unreasonable to require the employer to continue the employment of the employee concerned during the required period of notice (see subsection (7)).

Item 5, page 56 (lines 14 to 18), omit subsection (7), substitute:

- (7) Without limiting the generality of the reference to serious misconduct in paragraph (1)(c), the regulations may identify:
- (a) particular conduct; or
 - (b) conduct in particular circumstances; that falls within that reference.

Item 5, page 57 (lines 29 and 30), omit subsection (6), substitute:

- (6) A court may accept an application that is lodged out of time if the court considers that it would be unfair not to do so.

Item 5, page 60 (after line 6), at the end of Subdivision C, add:

170CT Small claims procedure

Section 179C applies to a proceeding under section 170CP in respect of an alleged contravention of section 170CM that is started by a person or a trade union in a magistrate's court in the same way as section 179C applies to an action under section 179 that is started in a magistrate's court.

Item 10, page 61 (line 3), omit "170CF", substitute "170CE".

Page 63 (after line 15), after item 14, insert:

14A Paragraph 170KA(1)(b)

Omit ", and a copy of the English text of which is set out in Schedule 13".

Schedule 9—

Item 19, page 78 (line 1), omit paragraph 170LN (a), substitute:

- (a) to settle, further settle or maintain the settlement of, or to prevent, industrial disputes; or

Item 19, page 78 (lines 4 to 12), omit section 170LO, substitute:

170LO Agreement about industrial dispute

If an employer who is carrying on a single business is or was a party to an industrial dispute, the employer may agree with one or more organisations of employees with whom the employer is or was in dispute on terms for:

- (a) settling or further settling all or any of the matters that are in dispute; or
- (b) maintaining a settlement of all or any of the matters that were in dispute, whether the settlement was made by an award, a certified agreement or otherwise; or
- (c) preventing further industrial disputes between them.

Item 19, page 81 (before line 2), before subsection (1), insert:

- (1A) Despite section 170LT, if the application for certification states that it is made under Division 3, the Commission must refuse to certify the agreement unless it is satisfied that the agreement will:

- (a) settle or further settle all or any of the matters that are the subject of the industrial dispute; or
- (b) maintain a settlement of all or any of the matters that were the subject of the industrial dispute, whether the settlement was made by an award, a certified agreement or otherwise; or
- (c) prevent further industrial disputes between the persons concerned; or
- (d) prevent the industrial situation from giving rise to an industrial dispute involving the persons concerned; or
- (e) assist in doing any of the things mentioned in paragraphs (a) to (d).

Item 19, page 82 (after line 26), at the end of section 170LV, add:

(3) If:

- (a) after doing the things required or permitted by subsection (1), the Commission is still required to refuse to certify the agreement; and
- (b) it is so required only because it is not satisfied as mentioned in subsection 170LU(1A);

the Commission may conciliate the industrial dispute or industrial situation concerned with a view to assisting the persons concerned to make the agreement certifiable.

Item 19, page 84 (lines 9 and 10), omit “award or agreement (see subsection (5))”, substitute “State award or State employment agreement”.

Item 19, page 84 (lines 12 and 13), omit “, award or agreement”.

Item 19, page 84 (line 18), omit “award or agreement”, substitute “State award or State employment agreement”.

Item 19, page 84 (lines 20 and 21), omit “award or agreement”, substitute “State award or State employment agreement”.

Item 19, page 84 (line 32) to page 85 (line 4), omit the definition of *State law, award or agreement*, substitute:

State law means a law of a State or Territory (including any regulations or other instrument made under a law of a State or Territory), but does not include a State award or a State employment agreement.

Item 19, page 91 (line 28), omit “170MZ(6)”, substitute “170MZ(7)”.

Item 19, page 93 (line 30), omit “or for both of those purposes,”.

Item 19, page 95 (line 4), omit “of employee”, substitute “or employee”.

Item 19, page 95 (lines 30 to 32), omit subsection (5), substitute:

- (5) Engaging in industrial action, or locking out an employee, in contravention of section 170VU is not protected action.

Item 19, page 105 (after line 14), at the end of section 170MY, add:

- (2) To avoid doubt, the Commission's powers under subsection (1) are not limited by section 89A.

Item 23, page 113 (lines 1 to 13), omit subitems (7) and (8).

Schedule 10—

Item 2, omit subitem (6), substitute:

Disability Discrimination Act

- (5A) For the purposes of the *Disability Discrimination Act 1984*, an EFA is taken to be an award of the kind referred to in:

- (a) the definition of *Commonwealth law* in section 4 of that Act; and
- (b) section 47 of that Act.

Sex Discrimination Act

- (6) For the purposes of the *Sex Discrimination Act 1984*, an EFA is taken to be an award of the kind referred to in sections 40, 50A and 50B of that Act.

Schedule 11—

Item 3, page 129 (lines 11 to 14), omit section 170VU, substitute:

170VU Industrial action etc. by party to AWA

- (1) During the period of operation of an AWA before its nominal expiry date, the employee must not engage in industrial action in relation to the employment to which the AWA relates.
- (2) During the period of operation of an AWA before its nominal expiry date, the employer must not lock out the employee for the purpose of supporting or advancing claims in respect of the employee's employment.

Schedule 12—

Page 145 (after line 15), after item 60, insert:

Disability Discrimination Act 1992

60A Paragraph 47(1)(c)

Repeal the paragraph, substitute:

- (c) any of the following:
 - (i) an order or award of a court or tribunal having power to fix minimum wages;
 - (ii) a certified agreement (within the meaning of the *Workplace Relations Act 1996*);
 - (iii) an Australian workplace agreement (within the meaning of the *Workplace Relations Act 1996*);
 to the extent that the order, award or agreement has specific provisions relating to the payment of rates of salary or wages to persons, where:

- (iv) if the persons were not in receipt of the salary or wages, they would be eligible for a disability support pension; and
- (v) the salary or wages are determined by reference to the capacity of the person.

Item 86, page 150 (lines 8 to 12), omit subsection (1), substitute:

(1) For:

- (a) the period from the commencement of this section until the end of 31 December 1997; and
- (b) the period of 3 years starting on 1 January 1998 and each following period of 3 years;

the Minister must cause a person to review and report to the Minister in writing about developments, in Australia during that period, in bargaining for the making of agreements covered by Parts VIB and VID.

Schedule 13—

Item 1, page 156 (line 31), after “employer”, insert “or organisation of employees”.

Item 1, page 157 (line 3), omit “must”, substitute “or organisation may”.

Item 1, page 157 (line 6), after “employer”, insert “or organisation”.

Item 1, page 157 (after line 10), at the end of Division 1, add:

170XDA Relevant or designated award not providing for payment of wages to regular part-time employees

If:

- (a) a person to whom an agreement applies or will apply is, or will be, a regular part-time employee under the agreement; and
- (b) the relevant or designated award in relation to the person does not expressly regulate the payment of wages to regular part-time employees engaged in the same kind of work as that of the person under the agreement;

the award is taken, for the purposes of this Part, to provide for the payment of wages to such a part-time employee on the basis that:

- (c) any rate applicable, or any amount payable, to a full-time employee under the award; and
- (d) any factor affecting, for the purposes of the award, a rate or amount referred to in paragraph (c);

are to be adjusted, if necessary, by taking into account the ratio that the number of hours that the part-time employee is required to work over a specified period bears to the number of hours that a full-time employee is required to work over the same period.

Item 1, page 159 (after line 31), at the end of section 170XH, add:

- (2) The regulations may so provide by:
 - (a) applying, adopting or incorporating (with or without any modification):
 - (i) the provisions of any Act, or of any regulations or rules under an Act, as in force at a particular time or as in force from time to time; or
 - (ii) any matter contained in an award as in force at a particular time; or
 - (iii) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned regulations take effect; or
 - (b) requiring that there be taken into account any specified matter determined by a prescribed person or body in accordance with criteria set out:
 - (i) in the regulations; or
 - (ii) in a prescribed instrument or writing as in force or existing at a particular time or from time to time.
- (3) Section 49A of the *Acts Interpretation Act 1901* does not apply to regulations made for the purposes of subsection (1).

Item 1, page 161 (line 14), before “part-time”, insert “regular”.

Item 1, page 166 (after line 20), at the end of section 170XR, add:

- (2) The regulations may so provide by:
 - (a) applying, adopting or incorporating (with or without any modification):
 - (i) the provisions of any Act, or of any regulations or rules under an Act, as in force at a particular time or as in force from time to time; or
 - (ii) any matter contained in an award as in force at a particular time; or
 - (iii) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned regulations take effect; or
 - (b) requiring that there be taken into account any specified matter determined by a prescribed person or body in accordance with criteria set out:
 - (i) in the regulations; or
 - (ii) in a prescribed instrument or writing as in force or existing at a particular time or from time to time.
- (3) Section 49A of the *Acts Interpretation Act 1901* does not apply to regulations made for the purposes of subsection (1).

Part 4—Contingent amendments of the Federal Court of Australia Act 1976 concerning Judicial Registrars

90 Consequences of certain prior amendments of *Federal Court of Australia Act 1976*

If, on any day before item 19 of this Schedule commences, the *Federal Court of Australia Act 1976* is amended by any Act inserting a new section 18AA providing for the appointment of Judicial Registrars of the Federal Court of Australia and a new section 18AB allowing those Judicial Registrars to exercise specified powers, then, with effect from that day or the day this Act receives the Royal Assent, whichever last occurs, items 19 and 27 are omitted from this Schedule and the following items are substituted for item 19:

19 After subsection 18AB(1)

Insert:

(1A) The Rules of Court may also delegate to the Judicial Registrars, either generally or as otherwise provided by the Rules, all or any of the Court's powers in relation to proceedings in the Court that involve:

- (a) a claim under the *Workplace Relations Act 1996* for an amount of not more than the amount specified in the Rules; or
- (b) a claim under the *Workplace Relations Act 1996* that the termination of an employee's employment was unlawful, or that the proposed termination of an employee's employment would be unlawful, under any law (including an unwritten law) of the Commonwealth or of a State or Territory; or
- (c) an application under section 170JC of the *Workplace Relations Act 1996* for enforcement of an order of the Australian Industrial Relations Commission.

(1B) For the purposes of paragraph (1A)(a), the Rules may specify an amount of not more than:

- (a) \$10,000; or
- (b) such greater amount as the regulations prescribe.

19A Subsections 18AB(2), (5) and (6)

After "subsection (1)" (wherever occurring), insert "or (1A)".

19B Subsection 18AI(2)

Omit "Judge" (wherever occurring), substitute "Justice".

Schedule 20—

Page 286 (after line 17), before item 5, insert:

4A Subsection 26F(4)

Omit “*Industrial Relations Act 1988*”, substitute “*Workplace Relations Act 1996*”.

Bill, as amended, agreed to.

Consideration in detail concluded.

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

Question—That the Bill be now read a third time—put.

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

AYES, 76

Mr Abbott	Mrs Draper	Mr Lindsay	Mr Scott
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Sharp
Mr J. N. Andrew	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr K. J. Andrews	Mr R. D. C. Evans	Mr McDougall	Mr A. C. Smith
Mr Anthony	Mr Forrest	Mr McGauran	Mr W. L. Smith
Mrs Bailey	Ms Gambaro	Mr Marek	Mr Somlyay
Mr R. C. Baldwin	Mrs Gash	Mr Miles	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Moore	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mrs Moylan	Mr Taylor
Mr Billson	Mr Hardgrave	Mr Mutch	Mr A. P. Thomson
Mr Broadbent	Mr Hicks*	Mr Nairn	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Neville	Mr M. A. J. Vaile
Mr E. H. Cameron	Mrs Johnston	Mr Prosser	Ms D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Pyne	Mr Wakelin
Mr Causley	Mrs D. M. Kelly	Mr Randall	Mrs West
Mr Charles	Miss J. M. Kelly	Mr Reith	Mr Williams
Mr Cobb	Dr Kemp	Mr Ronaldson	Ms Worth
Mr Dondas	Mr Lieberman	Mr Ruddock	Mr Zammit

NOES, 41

Mr Adams	Mr Fitzgibbon	Ms Macklin	Mr Sawford*
Mr Albanese	Mr E. L. Grace*	Mr McLeay	Mr Sercombe
Mr Andren	Mr Griffin	Mr McMullan	Mr S. F. Smith
Mr P. J. Baldwin	Mr Hatton	Mr Martin	Mr Tanner
Mr Beddall	Mr Holding	Mr Melham	Dr Theophanous
Mr Brown	Mr Jenkins	Mr A. A. Morris	Mr K. J. Thomson
Mr Crean	Mr Kerr	Mr P. F. Morris	Mr Willis
Ms Ellis	Mr Langmore	Mr Mossfield	Mr Wilton
Mr M. J. Evans	Mr Latham	Mr O'Keefe	
Mr L. D. T. Ferguson	Dr Lawrence	Mr Price	
Mr M. J. Ferguson	Mr Lee	Mr Quick	

* Tellers

And so it was resolved in the affirmative—Bill read a third time.

33 ADJOURNMENT

Mr Reith (Leader of the House) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11.01 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 26 June 1996:

Aged or Disabled Persons Care Act—Determination No. ADPCA 10F 2/1996.

National Health Act—Principles—

National Health (Eligible Oxygen Treatment) 1996 No. 1.

National Health (Nasogastric Feeding Principles) 1996 No. 1.

Nursing Homes Financial Arrangements—Amendment 1996 No. 1.

Native Title Act—Determination—Native Title (Notices) 1996 No. 1.

Taxation Administration Act—

Determination 1996 No. TD 96/33.

Ruling 1996 No. TR 96/21.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Bradford, Mrs Gallus, Mr Jones, Mr McLachlan and Mr O'Connor.

L. M. BARLIN

Clerk of the House of Representatives

1996

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 22

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 26 JUNE 1996

1 The Main Committee met at 10 a.m.

2 CRIMES AMENDMENT (CONTROLLED OPERATIONS) BILL 1996

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 the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

3 AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1996

The order of the day having been read for the second reading—Mr Jull (Minister for Administrative Services) moved—That the Bill be now read a second time.

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

Debate ensued.

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

4 CIVIL AVIATION AMENDMENT BILL 1996

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 Tanner 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 is of the opinion that:

- (1) it is appropriate that the Board of the Civil Aviation Safety Authority should include members in areas such as the law, regulation and general systems safety, as well as members with specific expertise in aviation; and
- (2) no person should be appointed to the Board who has engaged recently in political lobbying or public advocacy on aviation safety issues on behalf of any company or interest group involved in the aviation industry”.

Debate continued.

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

5 ADJOURNMENT

On the motion of Mr Abbott (Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs), the Main Committee adjourned at 12.55 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