

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 98

MONDAY, 23 JUNE 1997



1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

**2 PRIMARY INDUSTRIES, RESOURCES AND RURAL AND REGIONAL AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mrs Bailey (Chair) presented the following papers:

Primary Industries, Resources and Rural and Regional Affairs—Standing Committee—Managing Commonwealth fisheries: The last frontier—

Report, incorporating a dissenting report, June 1997.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mrs Bailey and Mr Adams made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mrs Bailey moved—That the House take note of the report.

Mrs Bailey was granted leave to continue her speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

**3 ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Lieberman (Chair) presented the following papers:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Review of Auditor-General's audit report No. 26, 1996-97—Community Development Employment Projects Scheme—Phase II of audit: Aboriginal and Torres Strait Islander Commission—

Report, June 1997.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Lieberman and Mr Melham made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Lieberman moved—That the House take note of the report.

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

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

**4 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Nehl presented the following papers:

National Capital and External Territories—Joint Standing Committee—A right to protest—

Report, May 1997.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Nehl and Mr Dargavel made statements in connection with the report.

Mr Nehl moved—That the House take note of the report.

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

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

**5 FINANCIAL INSTITUTIONS AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Hawker (Chair) presented the following papers:

Financial Institutions and Public Administration—Standing Committee—Cultivating competition: Inquiry into aspects of the National Competition Policy reform package—

Report, incorporating a dissenting report, June 1997.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Hawker and Mr Wilton made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Hawker moved—That the House take note of the report.

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

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

**6 FINANCIAL INSTITUTIONS AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER**

Mr Hawker (Chair) presented the following papers:

Financial Institutions and Public Administration—Standing Committee—Review of the Australian Competition and Consumer Commission report for 1995-96—

Report, June 1997.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Hawker made a statement in connection with the report.

The time allotted for making statements on the report having expired—

Mr Hawker moved—That the House take note of the report.

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

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

**7 TREATIES—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr McClelland presented the following papers:

Treaties—Joint Standing Committee—Eighth report—

Report, June 1997.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr McClelland and Mr Tuckey made statements in connection with the report.

The time for consideration of committee and delegation reports having expired—

Mr McClelland moved—That the House take note of the report.

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

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

## 8 ANTARCTIC SCIENCE PROGRAMS

The order of the day having been read for the resumption of the debate on the motion of Mr Nehl—That this House acknowledges and endorses the value of Antarctic science programs being undertaken by the Australian National Antarctic Research Expeditions and the International Centre for Co-operative Research on Antarctica and the Southern Ocean Environment—

Mr Nehl, by leave, again addressed the House without closing the debate.

Debate continued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting.

## 9 VACCINE TRIALS

Mr Lee, pursuant to notice, moved—That this House calls on the Government to establish an independent inquiry into vaccine trials on children, including whether:

- (1) Commonwealth agencies, including the (a) Commonwealth Serum Laboratories, (b) National Health and Medical Research Council and (c) Department of Health and Family Services, complied with Commonwealth and State laws and appropriate research guidelines;
- (2) the trials led to any injury or increased the risk of injury to the recipients; and
- (3) appropriate safeguards are in place to prevent any repetition.

Debate ensued.

At 1.45 p.m., the time allotted for the debate having expired, the debate was interrupted in accordance with standing order 106A, Dr Southcott was granted leave to continue his speech when the debate is resumed and the resumption of the debate was made an order of the day for the next sitting.

## 10 MEMBERS' STATEMENTS

Members' statements were made.

## 11 MINISTERIAL ARRANGEMENTS

Mr Fischer (Acting Prime Minister) informed the House that, during the respective absences abroad of Mr Moore (Minister for Industry, Science and Tourism) and Mr Downer (Minister for Foreign Affairs), Mr McGauran (Minister for Science and Technology) would be Acting Minister for Industry, Science and Tourism and answer questions on behalf of Mr Moore and he would be Acting Minister for Foreign Affairs and answer questions on behalf of Mr Downer.

## 12 QUESTIONS

Questions without notice being asked—

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*Suspension of standing and sessional orders—Motion of censure of Minister for Small Business and Consumer Affairs*

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House censures the Minister for Small Business and Consumer Affairs for misleading the House on his conversation with Mr Greiner and his continuing breach of the Ministerial Code of Conduct.

Debate ensued.

Question—put and passed, with the concurrence of an absolute majority.

*Minister for Small Business and Consumer Affairs—Motion of censure*

Mr Beazley moved—That this House censures the Minister for Small Business and Consumer Affairs for misleading the House on his conversation with Mr Greiner and his continuing breach of the Ministerial Code of Conduct.

Debate ensued.

*Paper*

Mr Reith (Minister for Industrial Relations) presented the following paper:

Telephone call—Copy of press release by the Honourable Nick Greiner, 23 June 1997.

Debate continued.

Question—put.

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

## AYES, 47

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

## NOES, 85

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

\* Tellers

And so it was negated.

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Questions without notice concluded.

### 13 PETITIONS

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

Mr Albanese and Mr McClelland, from 248 and 537 residents of Sydney, Mr P. F. Morris, from 140 electors of the Division of Shortland, and Mr Price, from 2808 residents of western Sydney, respectively, praying that the proposal to introduce nursing home entry fees be abandoned and full funding for capital assistance to nursing homes be restored.

Mr K. J. Andrews, from 5 petitioners, praying that action be taken to remove the exclusion of members of the Royal Australian Navy, who served in the Malaya campaign, from repatriation benefits under the Veterans' Entitlements Act.

Mr Nairn, from 8 petitioners, in similar terms.

Mr Charles, from 4825 residents of Boronia, Vic., praying that alternative Medicare facilities be provided through local pharmacy agents.

Mr Lloyd, from 878 petitioners, praying that the installation of a mobile phone base within 300 metres of any residential, school, commercial, retail, recreational or leisure area in Ettalong Beach, NSW, not proceed.

Mr P. F. Morris, from 3528 electors of the Division of Shortland, praying that the Belmont, NSW, Medicare office remain open.

Mr Mossfield, from 36 petitioners, praying that timed local calls on data services be recognised as an untenable proposition for small business.

Mr Mossfield, from 11 residents of New South Wales, praying that the importation of cooked chicken meat products not be permitted.

Mrs Moylan, from 2040 residents of the Shire of Kalamunda, WA, praying that the new trial flight path at Perth airport be stopped permanently.

Mr Nehl, from 99 petitioners, praying that the exclusiveness of marriage as being between one male and one female be preserved and that the Marriage Act be amended to prohibit certain marriages.

Mr Price, from 152 residents of western Sydney, praying that the operational subsidy to community based child care centres be maintained.

Mr Pyne, from 93 electors of the Division of Sturt, praying that the erection of a Vodaphone mobile phone tower at the Magill campus of the University of South Australia be prevented.

Dr Southcott, from 76 residents of South Australia, praying that the construction of a Telstra telecommunications tower at Sheoak Road, Belair, SA, cease.

Mr Taylor, from 47 electors of the Division of Groom, praying that census information be held by Australian Archives under a 100 year embargo.

Mrs D. S. Vale, from 2282 residents of New South Wales, praying that Holsworthy be opposed as a site for Sydney's second international airport.

Mrs D. S. Vale, from 798 petitioners, in similar terms.

Petitions received.

#### 14 BANKS

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

- (1) condemns the major banks for their failure to pass on the full effect of the latest interest rate reduction;
- (2) notes that this decision comes at a time when the major banks' profits are at record high levels;
- (3) condemns the banks for their continual closure of branches and agencies, particularly in rural and regional areas; and
- (4) calls on the Government to implement recommendations of the Wallis inquiry to enhance the competition non-bank institutions can provide for established banks.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting.

### 15 INDUSTRIAL ACTION IN WESTERN AUSTRALIA

Mr E. H. Cameron, pursuant to notice, moved—That this House:

- (1) condemns the Trades and Labour Council of Western Australia for its industrial action against legislation that was proposed prior to the Western Australian election when the Coalition Government was democratically elected;
- (2) expresses its abhorrence at the threats of the union movement, with the blessing of the Australian Council of Trade Unions, to impose international sanctions against Western Australia;
- (3) acknowledges the actions of the union leaders as sacrificing the jobs of its members, and destroying small businesses;
- (4) supports the concept of secret ballots before the commencement of industrial action; and
- (5) calls on the Federal Parliamentary Labor Party to condemn the Western Australian Trades and Labor Council, the Australian Council of Trade Unions, and the Western Australian Labor Party for their wilful abuse of the Western Australian economy by attacking the business community and its employees by endorsing this horrendous action.

Debate ensued.

The time allotted for private Members' business having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting.

### 16 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

23 June 1997—Message—

No. 157—Australian Animal Health Council (Live-stock Industries) Funding Amendment 1997.

No. 158—Child Support Legislation Amendment (No. 1) 1997.

### 17 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.



## 18 TELEPHONE CONVERSATION—STATEMENT BY MINISTER

Mr Prosser (Minister for Small Business and Consumer Affairs), by indulgence, made a statement concerning a telephone conversation he had with the Honourable Nick Greiner.

*Suspension of standing and sessional orders moved*

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House calls on the Minister for Small Business to resign forthwith and censures him for misleading the House.

*Closure of Member*

Mr Reith (Leader of the House) moved—That the Member be not further heard.

Question—put.

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

AYES, 83

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

## NOES, 47

Mr Adams	Mr G. J. Evans	Mr Latham	Mr O'Connor
Mr Albanese	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Andren	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	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 Brereton	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Kerr	Mr Mossfield	

\* Tellers

And so it was resolved in the affirmative.

Mr Martin (seconder) addressing the House—

*Closure of Member*

Mr Reith moved—That the Member be not further heard.

Question—put.

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

## AYES, 82

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

## NOES, 47

Mr Adams	Mr G. J. Evans	Mr Latham	Mr O'Connor
Mr Albanese	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Andren	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	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 Brereton	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Kerr	Mr Mossfield	

\* Tellers

And so it was resolved in the affirmative.

*Closure*

Mr Reith moved—That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

## AYES, 47

Mr Adams	Mr G. J. Evans	Mr Latham	Mr O'Connor
Mr Albanese	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Andren	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	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 Brereton	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Kerr	Mr Mossfield	

## NOES, 82

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

\* Tellers

And so it was negated.

## 19 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House censures the Acting Prime Minister for:

- (1) his failure to ensure the Minister for Small Business upheld the Prime Minister's ministerial code of conduct; and
- (2) his failure to ensure the Minister corrected his misleading and woefully inadequate declaration of pecuniary interests so that the Parliament and the people could have a true understanding of his multiple business interests and how they conflicted with his ministerial responsibilities and his failure, when those conflicts were revealed, to seek the Prime Minister's approval to dismiss the Minister particularly in light of the Minister's obvious attempt to use the status of his position to secure advantage for his property investments by taking the outrageous step of contacting a fellow member of the Liberal Party, the Deputy Chairman of Coles-Myer, Mr Greiner, to secure a Target store as key tenant for his Eaton development while using the flimsy pretext of saying he was merely asking for a telephone number for his brother when it was clear that he would be the 95 percent beneficiary of such a decision to locate such a premium tenant on his properties—properties he holds while Minister in charge of retail

tenancy—when in fact, if he was really committed to the code of conduct, he would have told his brother to pick up the phone and dial directory assistance rather than so blatantly attempt to signal to Mr Greiner that he as a Minister should be treated better.

*Closure of Member*

Mr Reith (Leader of the House) moved—That the Member be not further heard.

Question—put.

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

AYES, 82

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

NOES, 46

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	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 Breton	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Kerr	Mr Mossfield	
Mr G. J. Evans	Mr Latham	Mr O'Connor	

\* Tellers

And so it was resolved in the affirmative.

Mr Martin (seconder) addressing the House—

*Closure of Member*

Mr Reith moved—That the Member be not further heard.

Question—put.

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

## AYES, 82

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

## NOES, 46

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	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 Brereton	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Kerr	Mr Mossfield	
Mr G. J. Evans	Mr Latham	Mr O'Connor	

\* Tellers

And so it was resolved in the affirmative.

Mr McLeay rising to address the House—

*Closure*

Mr Reith moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

## AYES, 82

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

## NOES, 46

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	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 Brereton	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Kerr	Mr Mossfield	
Mr G. J. Evans	Mr Latham	Mr O'Connor	

\* Tellers

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

The House divided (the Deputy Speaker, Mr M. A. J. Vaile, in the Chair)—

## AYES, 46

Mr Adams	Mr L. D. T. Ferguson	Dr Lawrence	Mr O'Keefe
Mr Albanese	Mr M. J. Ferguson	Mr Lee	Mr Price
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Beazley	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 Brereton	Mr Holding	Mr Martin	Dr Theophanous
Mr Brown	Mr Hollis	Mr Melham	Mr K. J. Thomson
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr P. F. Morris	Mr Wilton
Ms Ellis	Mr Kerr	Mr Mossfield	
Mr G. J. Evans	Mr Latham	Mr O'Connor	

## NOES, 81

Mr Abbott	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr McDougall	Mr Slipper
Mr Anthony	Mr Fahey	Mr McGauran	Mr A. C. Smith
Mrs Bailey	Mr Forrest	Mr McLachlan	Mr W. L. Smith
Mr R. C. Baldwin	Ms Gambaro	Mr Marek	Dr Southcott
Mr Barresi	Mrs Gash	Mr Miles	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 Bradford	Mr Hawker	Mr Nehl	Mr Truss
Mr Broadbent	Mr Hicks*	Dr Nelson	Mr Tuckey
Mr Brough	Mr Hockey	Mr Neville	Mrs D. S. Vale
Mr Cadman	Ms Jeanes	Mr Nugent	Mr Wakelin
Mr E. H. Cameron	Mrs Johnston	Mr Prosser	Mrs West
Mr R. A. Cameron	Mr Jull	Mr Pyne	Mr Williams
Mr Causley	Mr Katter	Mr Randall	Dr Wooldridge
Mr Charles	Miss J. M. Kelly	Mr Reid	Ms Worth*
Mr Cobb	Dr Kemp	Mr Reith	Mr Zammit
Mr Dondas	Mr Lieberman	Mr Ronaldson	
Mrs Draper	Mr Lindsay	Mr Ruddock	
Mrs Elson	Mr Lloyd	Mr Scott	

\* Tellers

And so it was negated.

## 20 MATTERS REFERRED TO MAIN COMMITTEE

Mr Cadman (Chief Government Whip), by leave, moved—That:

- (1) the Fisheries Legislation Amendment Bill 1997 be referred to the Main Committee for further consideration;
- (2) the following orders of the day, government business, be referred to the Main Committee for debate:



Transport, Communications and Infrastructure—Standing Committee—Report on inquiry into aviation safety—Motion to take note of paper: Resumption of debate;

Transport, Communications and Infrastructure—Standing Committee—Report on inquiry into ship safety—Motion to take note of paper: Resumption of debate;

ANL Limited—Report for 1995-96—Motion to take note of paper: Resumption of debate;

Aviation safety regulation—Ministerial statement—Motion to take note of paper: Resumption of debate;

National Crime Authority—Parliamentary Joint Committee—Report on organised criminal paedophile activity—Government response—Motion to take note of paper: Resumption of debate;

- (3) the following orders of the day, committee and delegation reports, be referred to the Main Committee for debate:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report on Australia's relations with Southern Africa—Motion to take note of paper: Resumption of debate;

Foreign Affairs, Defence and Trade—Joint Standing Committee—Papua New Guinea—Seminar, 11-12 November 1996—Motion to take note of paper: Resumption of debate;

Treaties—Joint Standing Committee—Report on Protocols II and IV to the Inhumane Weapons Convention—Motion to take note of paper: Resumption of debate;

Family and Community Affairs—Standing Committee—Report on the seminar into aspects of youth suicide—Motion to take note of paper: Resumption of debate; and

Industry, Science and Technology—Standing Committee—Report on business conduct issues arising out of commercial dealings between firms—Motion to take note of paper: Resumption of debate.

Debate ensued.

Question—put and passed.

**21 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 2) 1996—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**

- (1) Schedule 1, item 10, page 7 (lines 3 to 35), omit the item.
- (2) Schedule 1, item 12, page 8 (lines 10 to 12), omit the item.
- (3) Schedule 1, item 14, page 9 (lines 1 to 8), omit subparagraph (c)(ii), substitute:

- (ii) the return journey of a vehicle, a locomotive or other equipment from that place to the mining site or any part of that journey if it is undertaken for the purpose of repeating a journey referred to in subparagraph (i) or for the backloading of raw materials or consumables for use in a mining operation referred to in paragraph (a) or (b); or
- (4) Schedule 1, item 18, page 9 (lines 25 to 27), omit subparagraph (p)(ii), substitute:
- (ii) dams, or other works, to store or contain water that has been used in, or obtained in the course of conducting, a mining operation referred to in paragraph (a) or (b) and that contains contaminants that preclude its release into the environment;
- (5) Schedule 1, item 18, page 10 (line 2), omit “unpolluted”, substitute “uncontaminated”.
- (6) Schedule 1, item 23, page 11 (lines 27 to 31), omit subsection (7B).
- (7) Schedule 1, item 23, page 11 (after line 31), after subsection (7B), insert:
- (7C) The beneficiation of ores bearing manganese minerals ceases when manganese-mineral concentrates are last deposited in a holding bin, or in a stockpile, at the place where the concentration is carried on, before transportation of those concentrates.
- (7D) In determining whether a particular process to which a mineral, or ores bearing a mineral, are subjected constitutes beneficiation of that mineral or those ores, regard is to be had to the nature of the technical process involved but no regard is to be had to any market considerations that might affect the decision to subject that mineral or those ores to that process.
- (8) Schedule 1, item 24, page 12 (line 9), after “(7B)”, insert “, (7C), (7D)”.
- (9) Schedule 1, item 24, page 12 (after line 12), after subsection (9), add:
- (10) The regulations may provide that, without otherwise affecting the ordinary meaning of beneficiation, a particular process, or a particular process in respect of a particular mineral or of ores bearing a particular mineral, is, for the purposes of this Act, a beneficiation process, or a beneficiation process in respect of that mineral or those ores, as the case requires.
- (10) Schedule 1, item 25, page 19 (line 32) to page 20 (line 4), omit subsection (15), substitute:
- (15) A person is not excused from making available a record when required to do so under subsection (2) on the grounds that the making available of the record makes the person liable to a penalty, but any records so made available are not admissible in evidence against the person in proceedings other than proceedings for an

offence against section 164A, subsection (8) of this section or paragraph 234(1)(c) or (d), in relation to diesel fuel rebate.

- (11) Schedule 1, item 36, page 24 (lines 15 to 18), omit subparagraph (c)(iii), substitute:
  - (iii) the actual nature of the use; and
- (12) Schedule 1, item 41, page 25 (after line 31), after paragraph (hb), insert:
  - (hba) a decision by the CEO not to amend an assessment when subparagraph 164AD(3)(a)(i) applies (in the case where an applicant has notified an officer doing duty in relation to diesel fuel rebate of an error, or errors, in accordance with paragraph 164AB(1)(a));
- (13) Schedule 1, item 42, page 26 (lines 9 to 13), omit paragraphs (a) and (b), substitute:
  - (a) that is purchased before the day on which those items commence and in respect of which an application for diesel fuel rebate is not received under section 164 of that Act before, on, or within 3 months after, that day; or
  - (b) that is purchased on or after that day.
- (14) Schedule 2, item 10, page 38 (lines 29 to 37), omit subsection (15), substitute:
  - (15) A person is not excused from making available a record when required to do so under subsection (2) on the grounds that the making available of the record makes the person liable to a penalty, but any records so made available are not admissible in evidence against the person in proceedings other than proceedings for an offence against section 78AA, subsection (8) of this section or paragraph 120(1)(vc) or (vi), in relation to diesel fuel rebate.
- (15) Schedule 2, item 21, page 43 (lines 12 to 15), omit subparagraph (c)(iii), substitute:
  - (iii) the actual nature of the use; and
- (16) Schedule 2, item 26, page 44 (after line 26), after paragraph (faa), insert:
  - (fab) a decision by the CEO not to amend an assessment when subparagraph 78AE(3)(a)(i) applies (in the case where an applicant has notified an officer doing duty in relation to diesel fuel rebate of an error, or errors, in accordance with paragraph 78AC(1)(a));
- (17) Schedule 2, item 27, page 45 (lines 3 to 7), omit paragraphs (a) and (b), substitute:
  - (a) that is purchased before the day on which those items commence and in respect of which an application for diesel fuel rebate is not received under section 78A of that Act before, on, or within 3 months after, that day; or

(b) that is purchased on or after that day—

On the motion of Mr Prosser (Minister for Small Business and Consumer Affairs), the amendments were agreed to, after debate.

**22 MESSAGE FROM THE SENATE—CONSTITUTIONAL CONVENTION (ELECTION) BILL 1997**

The following message from the Senate was reported:

Message No. 256

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to provide for the election of delegates to the Constitutional Convention, and for related purposes**, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

**MARGARET REID**

President

The Senate

19 June 1997

Ordered—That the amendments be considered forthwith.

**SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE**

(1) Page 1 (after line 11), after the title, insert:

**Preamble**

This Act provides the necessary framework for the election of delegates to a Constitutional Convention to represent the views of all Australians about possible changes to the Constitution.

The Convention will provide a forum for debate about:

- whether the present Constitution should be changed so that Australia might become a republic with its own Head of State; and
- what republican models should be put to the voters of Australia as elements of the choice between the present system and a new system; and
- the timeframe and the appropriate circumstances for considering change.

If it is to be successful, it is vital that the Constitutional Convention reflects the diverse experiences, backgrounds, views, beliefs and aspirations of the Australian people. To that end, the appointment of non-parliamentary delegates to the Convention should reflect the diversity of our nation. Furthermore, it is to be hoped that all groups standing for election to the Convention will draw upon our diversity when nominating candidates. In particular, and in light of the fact

that the Constitutional Conventions of the 1890s which led to Federation were composed entirely of male delegates, it is to be hoped that all groupings will provide for the fair and equal representation of women.

- (2) Clause 11, page 6 (lines 3 and 4), omit the clause.
- (3) Clause 13, page 7 (line 8), omit paragraph (c), substitute:
  - (c) the day of the poll;
- (4) Page 7 (after line 13), after clause 13, insert:

**13A Enrolment to be encouraged etc.**

As soon as practicable after the commencement of this Act, the Electoral Commissioner must take all reasonable steps to ensure that the Rolls to be used for the purposes of the Act are reviewed and that eligible persons who are not enrolled are encouraged to enrol.

- (5) Clause 14, page 7 (line 17), omit “\*closing”.
- (6) Clause 16, page 8 (line 9), omit “\*closing”.
- (7) Clause 29, page 14 (line 19), omit “\*first candidate”, substitute “candidates”.
- (8) Clause 34, page 17 (lines 4 to 6), omit subclause (1), substitute:
  - (1) A group, or an \*ungrouped candidate, may submit a statement under this Division for inclusion in the material to be made available to electors.
- (9) Clause 39, page 20 (after line 21), after paragraph (c), insert:
  - Note: The reference to *any other election* in subparagraph (1)(b)(ii) means any other election of delegates under this Act—see definition of *election* in the Dictionary in Schedule 1.
- (10) Page 22 (after line 5), after clause 41, insert:

**41A Nomination fee to be forfeited in certain cases**

- (1) The nomination fee paid by or on behalf of a candidate is to be retained pending the ballot, and after the ballot must be returned in accordance with subsection (2) or (3), if the candidate is elected, or:
  - (a) if the total number of votes polled in the candidate’s favour as first preferences is at least 4% of the total number of votes polled in favour of the candidates in the election as first preferences; or
  - (b) in a case where the name of the candidate is included in a group—if the sum of the votes polled in favour of each of the candidates included in the group as first preferences is at least 4% of the total number of votes polled in favour of the candidates in the election as first preferences;
 otherwise it is forfeited to the Commonwealth.

- (2) If the nomination fee was paid by a person other than the candidate, the nomination fee must be returned to the person who paid it, or to a person authorised in writing by the person who paid it.
  - (3) In all other cases, the nomination fee must be returned to the candidate, or to a person authorised in writing by the candidate.
- (11) Clause 52, page 26 (lines 13 to 21), omit paragraphs (c), (d) and (e), substitute:
- (c) on Part A, the names of groups notified under section 29 (unless the request has been refused by the AEO) arranged in the order determined under section 58; and
  - (d) on Part B, the full names of candidates arranged in the order determined under section 58; and
  - (e) the material that would be required by subsections 55(1) and (2) to be printed on the ballot-paper if the ballot-paper were being printed.
- (12) Clause 54, page 27 (lines 6 to 9), omit paragraph (c), substitute:
- (c) the names of each of the candidates are to be printed opposite the name of the candidate's group requested under section 29 if that request has not been refused under section 31; and
- (13) Clause 55, page 28 (lines 1 to 30), omit paragraphs (a) to (i), substitute:  
the names of groups notified under section 29 (unless the request has been refused by the AEO) arranged in the order determined under section 58 are to be printed.
- (14) Clause 55, page 28 (line 32) to page 29 (line 6), omit paragraphs (a), (b) and (c), substitute:
- (a) the names of all candidates are to be printed, with the names of candidates by whom requests have been made under section 28 being printed in groups on the ballot-paper in accordance with those requests (unless the request has been refused by the AEO); and
  - (b) the names of grouped candidates are to be printed before the names of ungrouped candidates; and
  - (c) subject to paragraph (b), the order in which the names of grouped and ungrouped candidates are to be printed is the same as the order determined under section 58 for the purposes of section 54; and
  - (d) the names of each of the ungrouped candidates are to be printed opposite the name the candidate requested under section 30 (if that request has not been refused under section 31); and
  - (e) where similarity in the names of 2 or more candidates is likely to cause confusion those names are to be arranged in the same way, and with the same description or addition, as

they are arranged, described or added to under paragraph 54(h); and

- (f) except as otherwise provided by the Electoral Commissioner, a square must be printed opposite the name of each candidate.
- (15) Clause 57, page 29 (lines 16 to 20), omit the clause.
- (16) Clause 60, page 33 (lines 5 to 27), omit the clause.
- (17) Heading to Division 1, page 35 (lines 3 and 4), omit the heading, substitute:

### **Division 1—Distribution of candidate statements**

- (18) Clause 62, page 35 (lines 5 to 12), omit the clause.
- (19) Clause 64, page 35 (line 16) to page 36 (line 19), omit the clause.
- (20) Clause 65, page 36 (lines 20 to 25), omit the clause, substitute:

#### **65 Issue of candidate statements**

- (1) The Electoral Commissioner must cause copies of the pamphlet of candidate statements to be sent, by post or other means to:
  - (a) the office of each DRO; and
  - (b) each office, whether in a parliamentary building or otherwise, of every Member of the Commonwealth, a State or a Territory Parliament; and
  - (c) every public library in Australia; and
  - (d) every post office in Australia.
- (2) The Electoral Commissioner must cause such numbers of copies of the pamphlet of candidate statements as the Electoral Commissioner considers appropriate to be sent to any person or organisation who asks the AEO or a DRO for a copy or copies of the pamphlet.
- (21) Clause 66, page 37 (lines 1 to 12), omit the clause.
- (22) Clause 67, page 37 (lines 13 to 15), omit the clause.
- (23) Clause 68, page 38 (line 3) to page 39 (line 3), omit the clause, substitute:

#### **68 Certain provisions of CEA to apply**

In so far as is practicable, the following provisions of the CEA shall be applied to the conduct of elections under this Act:

- (a) sections 182 to 184, 184A, 184B, 185, 185B, 185C, 186 to 195, 195A and 196 to 200 (postal voting);
- (b) sections 200A to 200K, 201 and 202 (pre-poll voting);
- (c) section 203 (arrangements for polling);
- (d) section 204 (substitute presiding officer);
- (e) section 205 (use of licensed premises as polling booth);

- (f) section 206 (separate voting compartments);
  - (g) section 207 (ballot-boxes);
  - (h) section 211 (group voting tickets);
  - (i) section 215 (ballot-papers to be initialled);
  - (j) section 216 (group voting tickets to be displayed);
  - (k) section 217 (scrutineers at the polling);
  - (l) section 218 (provisions relating to scrutineers);
  - (m) section 220 (the polling);
  - (n) section 222 (where electors may vote);
  - (o) section 223 (interpretation);
  - (p) sections 224 to 226, 226A and 227 (mobile booths);
  - (q) section 228 (declaration votes);
  - (r) section 229 (questions to be put to voter);
  - (s) section 231 (right of elector to receive ballot-paper);
  - (t) section 232 (voters to be recorded);
  - (u) section 233 (votes to be marked in private);
  - (v) section 234 (assistance to certain voters);
  - (w) section 235 (provisional votes);
  - (x) section 238 (spoilt ballot-papers);
  - (y) sections 241 to 243 (adjournment of polling);
  - (z) section 245 (compulsory voting);
  - (za) sections 246 to 262 (polling in Antarctica).
- (24) Clause 69, page 39 (lines 7 to 18), omit subclauses (2) and (3), substitute:
- (2) If the person chooses to vote on Part A of the ballot-paper, he or she must mark his or her vote on the ballot-paper by writing the number 1 in the square opposite the name of one group and only one group.
  - (3) If the person chooses to vote on Part B of the ballot-paper, he or she:
    - (a) must mark his or her vote on the ballot-paper by writing the number 1 in the square opposite the name of the candidate for whom the person votes as his or her first preference; and
    - (b) must mark his or her vote on the ballot-paper by writing the numbers 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the person's preference for them.
- (25) Clause 70, page 39 (lines 22 to 24), omit the clause.
- (26) Clause 72, page 40 (line 23) to page 41 (line 11), omit the clause.
- (27) Clause 73, page 41 (line 12) to page 42 (line 16), omit the clause.
- (28) Part 6, page 43 (line 2) to page 51 (line 4), omit the Part.



- (29) Clause 90, page 52 (lines 6 to 8), omit subclause (2).  
 (30) Heading to Division 2, page 54 (line 2), omit the heading, substitute:

**Division 2—The scrutiny processes**

- (31) Clause 94, page 54 (lines 3 to 11), omit the clause.  
 (32) Clause 95, page 54 (line 12) to page 57 (line 14), omit the clause.  
 (33) Clause 96, page 57 (lines 15 to 17), omit the clause.  
 (34) Clause 97, page 57 (lines 18 to 21), omit the clause.  
 (35) Heading to Division 3, page 58 (line 2), omit the heading.  
 (36) Clause 98, page 58 (lines 3 to 5), omit the clause.  
 (37) Clause 99, page 58 (line 6), omit “further”.  
 (38) Clause 99, page 58 (line 7), omit “further”.  
 (39) Clause 99, page 58 (lines 11 to 13), omit paragraphs (2)(a) and (b), substitute:
- (a) produce all the ballot-papers received by the DRO; and
- (40) Clause 99, page 58 (lines 17 to 20), omit paragraph (e), substitute:
- (e) arrange the unrejected ballot-papers so scrutinised under the names of the respective groups or candidates (depending on whether the voter has completed Part A or Part B of the ballot-paper), by placing in parcels:
    - (i) under the name of each group all the ballot-papers on which a vote is indicated for that group; and
    - (ii) under the name of each candidate all the ballot-papers on which a first preference is indicated for that candidate; and
- (41) Clause 99, page 58 (lines 21 to 27), omit paragraph (f), substitute:
- (f) count the votes given for each group and the first preference votes given for each candidate on such ballot-papers and \*transmit the following information in an expeditious manner to the AEO:
    - (i) the number of votes given for each group; and
    - (ii) the number of first preference votes given for each candidate; and
    - (iii) the total number of ballot-papers rejected as informal; and
- (42) Clause 99, page 59 (lines 16 and 17), omit “determine the quota, transfer value or order, or identify the candidate”, substitute “or determine the quota, transfer value or order”.  
 (43) Clause 100, page 69 (line 9), omit “candidate”, substitute “group”.  
 (44) Clause 100, page 69 (line 10), omit “a first preference is indicated for that candidate”, substitute “a vote is indicated for that group”.

- (45) Clause 100, page 69 (lines 24 and 25), omit subparagraph (g)(i), substitute:
- (i) the number of votes given for each group on ballot-papers referred to in paragraph (b); and
- (46) Clause 101, page 71 (lines 16 to 22), omit the clause.
- (47) Clause 103, page 73 (lines 12 to 20), omit subclause (5).
- (48) Clause 103, page 73 (line 25) to page 74 (line 13), omit paragraphs (6)(b) and (c), substitute:
- (b) a ballot-paper is taken to be Part B invalid unless:
    - (i) it has a vote indicated on it for at least one candidate; and
    - (ii) the same mark is not indicated for any other candidate; and
  - (c) for the purposes of paragraph (b) any marking on a ballot-paper of a vote for a deceased candidate is to be ignored.
- (49) Clause 105, page 75 (line 4), omit “\*grouped candidate”, substitute “group”.
- (50) Clause 105, page 75 (line 6), omit “candidate’s”.
- (51) Clause 105, page 75 (lines 7 to 23), omit subclauses (2) and (3).
- (52) Clause 106, page 75 (line 24) to page 76 (line 26), omit the clause, substitute:

### **106 Ballot-papers marked on Part B**

- (1) Subject to subsections (2) and (3), if a ballot-paper has been marked on Part B, the voter is, for the purposes of sections 99 and 100, taken to have expressed preferences for the candidates as follows:
- (a) a first preference is taken to have been indicated for the candidate beside whose name the number 1 has been written;
  - (b) a second preference is taken to have been indicated for the candidate beside whose name the number 2 has been written;
- and so on.
- (2) If the same number has been written beside the names of 2 or more candidates, no preference is taken to have been indicated for either or any of those candidates, nor for any candidates against whose names higher numbers have been written.
- (3) For the purposes of this section, any marking on a ballot-paper of a preference for a deceased candidate referred to in section 108 is to be ignored.
- (53) Clause 108, page 77 (lines 9 to 13), omit paragraphs (a), (b) and (c), substitute:
- (a) of the inclusion on the ballot-paper or the \*list of candidates of the name of the deceased candidate; or

- (b) of the marking of a preference opposite that name.
- (54) Clause 122, page 86 (line 19), omit “, being an officer other than an Antarctic officer.”.
- (55) Clause 122, page 86 (line 23) to page 87 (line 6), omit subclauses (2) and (3).
- (56) Clause 131, page 95 (lines 17 to 21), omit the clause.
- (57) Clause 132, page 96 (lines 1 to 6), omit the clause.
- (58) Clause 134, page 96 (lines 11 to 17), omit the clause.
- (59) Schedule 1, clause 1, page 125 (lines 13 to 26), omit the definitions of *Antarctica*, *Antarctic elector*, and *Antarctic Returning Officer*.
- (60) Schedule 1, clause 1, page 126 (lines 1 to 5), omit the definition of *Assistant Antarctic Returning Officer*.
- (61) Schedule 1, clause 1, page 126 (lines 15 and 16), omit the definition of *candidate number*.
- (62) Schedule 1, clause 1, page 126 (lines 20 to 22), omit the definition of *certificate envelope*.
- (63) Schedule 1, clause 1, page 126 (line 23), definition of *close of the poll*, omit “closing”.
- (64) Schedule 1, clause 1, page 126 (lines 24 and 25), omit the definition of *closing day*.
- (65) Schedule 1, clause 1, page 128 (lines 26 and 27), omit the definition of *preference square*.
- (66) Schedule 1, clause 1, page 129 (line 9), definition of *scrutiny*, omit “subsection 90(2)”, substitute “Part 7”.
- (67) Schedule 1, clause 1, page 129 (lines 18 and 19), omit the definition of *vote certificate*.
- (68) Schedule 1, clause 1, page 129 (line 20), omit the definition of *voting material*—

On the motion of Mr Jull (Minister for Administrative Services), Senate amendment (9) was agreed to, after debate.

Mr Jull moved—That Senate amendments (1) to (8) and (10) to (68) be disagreed to.

Debate ensued.

Question—put.

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

## AYES, 84

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

## NOES, 45

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

\* Tellers

And so it was resolved in the affirmative.

Mr Jull moved—That Mr Cadman, Mr McArthur and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments (1) to (8) and (10) to (68) of the Senate.

Question—put and passed.

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

*Reasons of the House of Representatives for disagreeing to amendments (1) to (8) and (10) to (68) of the Senate*

**Senate amendment (1)**

The amendment proposes a preamble be included which specifies the role of the Convention and the appointment and election of delegates to the Convention. The House of Representatives does not accept the amendment, as it does not reflect the purpose and scope of the Bill.

**Senate amendments (2) to (8) and (11) to (68)**

These amendments focus on the method of voting for half of the delegates to the Constitutional Convention which will meet for 10 days in December 1997 to consider the question of whether or not Australia should become a republic. The amendments require that voting in the election be by a compulsory attendance ballot, which will make Australians who choose not to vote in the election for delegates liable to prosecution and add up to \$20 million to the cost.

The amendments also propose that the election be conducted along the lines of a Senate election. In light of the large number of candidates which could contest this election (possibly exceeding 200-300 candidates in New South Wales) a pure Senate "style" election would make it difficult for electors to vote for someone other than a group, and would extend the time needed to count the vote.

Accordingly, the House of Representatives opposes these amendments ((2) to (8) and (11) to (68)).

**Senate amendment (10)**

This amendment provides that candidates' \$500 nomination fee should be returned if the candidate is elected or the candidate/candidate group receives at least 4% of the total number of votes. Given the Government will be providing a tax deduction for election expenses up to a limit of \$1,000 to candidates, whether successful or not, the House of Representatives does not accept amendment (10).

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

**23 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT (WORK FOR THE DOLE) BILL 1997**

The following message from the Senate was reported:

Message No. 258

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the law relating to social security, and for related purposes**, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

**MARGARET REID**

President

The Senate

23 June 1997

Ordered—That the amendments be considered forthwith.

### SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 3, page 2 (line 2), omit “Each”, substitute “Subject to section 5, each”.
- (2) Page 2 (after line 13), after clause 4, insert:

#### **5 Amendments cease to have effect**

The amendments to the *Social Security Act 1991* and the *Data-matching Program (Assistance and Tax) Act 1990* made by this Act cease to have effect at the end of 24 months after commencement.

On the motion of Dr Kemp (Minister representing the Minister for Employment, Education, Training and Youth Affairs), the amendments were disagreed to, after debate.

Dr Kemp moved—That Mr Ronaldson, Mr Barresi 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.

Dr Kemp, on behalf of the committee, brought up reasons, which were circulated, and are as follows:

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

#### **Senate amendments (1) and (2)**

The amendments would provide for a “sunset” provision to be included in the Bill. The effect of the sunset provision would be that the measures proposed by the Bill would cease to have effect at the end of 24 months after the Act’s commencement.

The House of Representatives considers that these amendments should not proceed as they fail to accept the core principle underpinning the Work for the Dole initiative. The House considers that this arbitrary 2 year limit restricts the capacity of the Government to make continuing arrangements for benefit recipients to make a contribution to their communities in return for income support.

The community and in particular young people have recognised the inherent fairness of this initiative and the benefits that will flow to individuals and their communities. The House remains of the view that this principle should be embodied in the legislation, without the constraint of a sunset provision.

On the motion of Dr Kemp, the committee’s reasons were adopted.

#### **24 MESSAGE FROM THE SENATE**

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

23 June 1997—Message No. 259—Australian National Railways Commission Sale 1997.

**25 ADJOURNMENT**

Dr Kemp (Minister for Schools, Vocational Education and Training) moved—  
That the House do now adjourn.

Question—put.

The House proceeding to a division and the division not further proceeded  
with—

Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House  
until tomorrow at 2 p.m.



**PAPERS**

The following papers were deemed to have been presented on 23 June 1997:

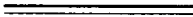
Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal  
for the collection of information 1997 No. 10.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part  
40—Amendment 16 June 1997.

Defence Act—Determinations under section 58B 1997 Nos. 23, 24.

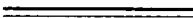
Retirement Savings Accounts Act—Determination under section 51, 18 June  
1997.

*Superannuation Act 1976*—Determinations under section 241 Nos. 2, 3(2).



**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr K. J.  
Andrews, Mrs Gallus, Mr Howard, Mr Moore, Mr Sawford, Mr Sharp and Mr  
Somlyay.



**L. M. BARLIN**

Clerk of the House of Representatives