

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 94

WEDNESDAY, 18 AUGUST 1982

1 The House met, at 1.45 p.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.

2 **QUESTIONS:** Questions without notice were asked.

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

By command of His Excellency the Governor-General:

Aboriginal Development Commission—

Statement by Senator Baume (Minister representing the Minister for Aboriginal Affairs).

Text of a letter, dated 11 May 1982, from the Auditor-General to the Minister for Aboriginal Affairs.

Applied Ecology Pty Ltd—

8th Annual Report, for year 1980-81.

Statement by Senator Baume (Minister representing the Minister for Aboriginal Affairs), dated May 1982.

Auditor-General's Office—Independent auditor—Statement by Senator Guilfoyle (Minister for Finance), dated 20 May 1982, concerning an extension of Mr E. D. Cameron's appointment as the independent auditor of the Auditor-General's Office.

Australian Bureau of Criminal Intelligence—Establishment—Agreement between the Commonwealth and New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania and the Northern Territory, dated 6 February 1981.

Commonwealth Grants Commission—Report on State Tax Sharing and Health Grants, 1982—

Vol. I—Main Report, dated 31 May 1982.

Vol. II—Appendixes and reports of consultants.

Finance—Advance to Minister for Finance—Statements for April, May and June, 1982.

Management Education—Report of Inquiry, dated 21 April 1982.

Warlmanpa, Warlpiri, Mudbura and Warumungu Land Claim—

Report by the Aboriginal Land Commissioner to the Minister for Aboriginal Affairs and the Administrator of the Northern Territory, dated 30 September 1981.

Pursuant to statute:

Aboriginal Development Commission Act—Aboriginal Development Commission—Report and financial statements, together with the Auditor-General's Report, for year 1980-81.

Australian Science and Technology Council Act—Australian Science and Technology Council—Reports—

Earth resources satellites: Australian facilities, dated 26 March 1982.

Office of the Supervising Scientist, dated 19 March 1982.

Maritime College Act—Council of the Australian Maritime College—Report and financial statements, together with the Auditor-General's Report, for 1980.

Services Trust Funds Act—

Australian Military Forces Relief Trust Fund—35th Annual Report by the trustees, together with the Auditor-General's Report, for 1981.

Royal Australian Air Force Welfare Trust Fund—34th Annual Report by the Trustees, together with the Auditor-General's Report, for 1981.

Royal Australian Navy Relief Trust Fund—Report by the Trustees, together with the Auditor-General's Report, for 1981.

Services Canteens Trust Fund—34th Annual Report by the Trustees, together with the Auditor-General's Report, for 1981.

4 RADIOACTIVE SUBSTANCES—CODE OF PRACTICE FOR SAFE TRANSPORT—PAPER AND MINISTERIAL STATEMENT: Mr McVeigh (Minister for Home Affairs and Environment), pursuant to statute, presented the following paper:

Environment Protection (Nuclear Codes) Act—Code of practice (1982) for safe transport of radioactive substances—Order of His Excellency the Governor-General, dated 29 April 1982, together with Code of Practice—

and, by leave, made a ministerial statement in connection with the paper.

Mr West, by leave, also made a statement with reference to the matter.

5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LABOUR MARKET: Mr Speaker informed the House that Mr Hawke had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The collapse of the labour market and the Government's acceptance of the economic and social disasters associated with rising levels of unemployment".

The proposed discussion having received the necessary support—

Mr Hawke addressed the House.

Discussion ensued.

Discussion concluded.

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

Mr Birney, Mr Cadman, Mr D. M. Cameron, Mr Dobie, Dr Klugman, Mr Moore and Mr Sinclair—from certain citizens praying that the minimum level at which income tax is first payable be raised to \$4,500, the levels at which the higher rates of tax apply be proportionately increased and certain other action be taken to assist taxpayers.

Dr Blewett and Mr Burr—from certain citizens praying that action be taken to reduce interest rates.

Mr D. M. Cameron and Dr Everingham—from certain citizens praying that Federal funding of the University of Queensland be increased to a level sufficient to allow restoration of library facilities.

Mr Dobie and Mr Wilson—from certain citizens praying that any proposal to apply sales tax or an excise on wine be rejected.

Dr Blewett—from certain citizens praying that Federal powers under the Constitution be used to over-ride State legislation concerning land rights for Aborigines and funding of welfare matters be directed through Aboriginal community-based and community-controlled organisations.

Dr Blewett—from certain citizens praying that the services of Channel 0/28 be extended initially to cover the Adelaide metropolitan area and then the rest of South Australia.

- Dr Blewett—from certain citizens praying that adequate Federal funding be provided for children's services, funding be increased to cover cost of living increases and decisions about the future of children's services only be made in full consultation with the providers and users of these services.
- Mr Braithwaite—from certain residents of north Queensland praying that sufficient expenditure be allocated to raise the standard of the national highway in north Queensland to Department of Transport standards.
- Mr Braithwaite—from certain electors of the Electoral Division of Dawson praying that funds be provided for the erection of an access ramp adjacent to the Proserpine Post Office, Qld.
- Mr J. J. Brown—from certain citizens praying that the telecommunications system remain a public utility.
- Mr Campbell—from certain residents of the Kimberley region, W.A., praying that funds be allocated for the immediate upgrading of the Great Northern Highway in the Kimberley region to an all-weather sealed highway.
- Mr Dawkins—from certain citizens praying that the introduction of a student loans scheme be rejected.
- Mr Dobie—from certain citizens praying that funds not be allocated for the development of roads or dams in south-west Tasmania but be provided instead for the preservation of the area.
- Mr Dobie—from a citizen praying that a more restrictive immigration policy be maintained.
- Mr Fry—from certain citizens praying that visa restrictions on Soviet citizens wishing to enter Australia be lifted and steps taken to resume exchanges as set out in the official protocol for cultural co-operation.
- Mr Fry—from certain citizens praying that action be taken to prevent the sale of the Belconnen Mall and the Canberra fruit and vegetable markets, A.C.T.
- Mr Fry—from certain citizens praying that steps be taken to enable the Commonwealth and New South Wales Governments to reach agreement on extending 1st class rail travel in New South Wales to World War 1 veterans resident in the A.C.T.
- Mr Giles—from certain citizens praying that no imposts be made on the wine industry in the 1982 Budget.
- Mr Hall—from certain citizens praying that cell therapy be made available in Australia for children suffering from Down's Syndrome.
- Mr Harris—from certain citizens praying that the House of Representatives discontinue the practice of opening its sittings with the reading of prayers.
- Mr Humphreys—from certain citizens praying that carcass trade be promoted and that exports of live animals for slaughter be banned.
- Mr Humphreys—from certain citizens praying that the importation of marine mammal by-products be banned and an international ban on the slaughter of marine mammals be supported.
- Mr Humphreys—from certain citizens praying that legislation be enacted to require the production of annual statistics on the numbers of live animals involved in research and that the National Health and Medical Research Council be required to develop humane and responsible standards of conduct for researchers using live animals in laboratories.
- Mr Humphreys—from certain residents praying that urgent steps be taken to formulate and approve a social security agreement with the Italian Government and that certain questions related to pensions of Italian immigrants be resolved urgently within the agreement.
- Dr Klugman—from certain citizens praying that the Broadcasting and Television Act be amended in relation to program standards.
- Dr Klugman—from certain citizens praying that all pensions be made non-taxable, the tax rate for lower income levels be lowered and all pensioners be allowed other income of at least \$40 before losing any part of their pension.

Mr Mountford—from certain citizens praying that adequate funds be made available to finance pre-school child care, to initiate and fund a movement to develop awareness and to alleviate the causes of child abuse.

Mr Wallis—from certain residents of Hallett, S.A., praying that more telephone lines be made available to the Willalo and Hallett Gap areas.

Mr West—from certain residents of the Illawarra region, N.S.W., praying that funding of children's services be restored to at least 1975-76 levels, a means test not be imposed on the users of child care services and certain other action be taken to improve the quality and quantity of child care provision in the Illawarra region.

Mr Young—from certain electors praying that a referendum on immigration policy be held in conjunction with the next elections.

Petition received.

7 INCOME TAX ASSESSMENT AMENDMENT BILL (NO. 4) 1982: Mr Howard (Treasurer) presented a Bill for an Act to amend the law relating to income tax.

Bill read a first time.

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

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

8 DEFENCE (VISITING WARSHIPS) BILL 1982: Mr Sinclair (Minister for Defence), pursuant to notice, presented a Bill for an Act with respect to visiting foreign warships, and related matters.

Bill read a first time.

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

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

9 OMEGA NAVIGATION FACILITY BILL 1982: Mr Hunt (Minister for Transport and Construction), pursuant to notice, presented a Bill for an Act relating to the Omega Navigation Facility.

Bill read a first time.

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

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

10 DEFENCE FORCE DISCIPLINE BILL 1982: 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.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 71, by leave, taken together.

On the motion of Sir James Killen (Leader of the House), by leave, the following amendments were made together:

Clause 3, page 10, at the end of the clause add the following sub-clause:

“(15) For the purposes of any law of the Commonwealth other than this Act, an offence against this Act or the regulations shall not be taken not to be an offence against a law of the Commonwealth by reason that it forms part of the law regulating the relationship between the Commonwealth and members of the Defence Force and other persons.”

Clause 14, page 14, lines 22-25, omit paragraph (b), substitute the following paragraph:

“(b) was in obedience to—

(i) a lawful order; or

- (ii) an unlawful order that the person did not know, and could not reasonably be expected to have known, was unlawful”.

Clauses, as amended, agreed to.

Clause 72—

On the motion of Mr Ruddock, the clause was omitted, and the following clause substituted, after debate:

Application of Commonwealth Prisoners Act

“72. (1) The *Commonwealth Prisoners Act* 1967 (other than sub-section 4 (3)) applies in relation to a service tribunal that imposes a punishment of imprisonment for a specific period on a convicted person as if—

- (a) the service tribunal were a court of, and the person was convicted in, the Australian Capital Territory; and
- (b) the reference in sub-section 4 (2) of that Act to matters to which a court is to have regard in fixing a lesser term of imprisonment in pursuance of sub-section 4 (1) of that Act included a reference to the need to maintain discipline in the Defence Force.

(2) The fixing of a minimum term of imprisonment, or giving of a direction, by a service tribunal under the *Commonwealth Prisoners Act* 1967 in its application by virtue of sub-section (1) of this section to the service tribunal, shall be taken, for the purposes of this Act, to be an order fixing that minimum term of imprisonment, or giving that direction, as the case may be, made by the service tribunal under this Part.”.

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

On the motion of Sir James Killen, by leave, the following amendments were made together:

Clause 133, page 66, lines 11-13, omit sub-clause (1), substitute the following sub-clause:

- “(1) Subject to section 134, in any proceeding before a court martial—
- (a) the President shall preside; and
 - (b) every question shall be determined by the members of the court martial.”.

Clause 134—

Page 66, lines 27-31, omit sub-clause (1), substitute the following sub-clause:

“(1) In proceedings before a court martial, the judge advocate shall give any ruling, and exercise any discretion, that, in accordance with the law in force in the Australian Capital Territory, would be given or exercised by a judge in a trial by jury.”.

Page 66, lines 38-40, omit sub-clause (3), substitute the following sub-clause:

“(3) Notwithstanding sub-sections (1) and (2), in a proceeding before a court martial, the members of the court martial shall determine what action shall be taken under Part IV in relation to a convicted person, but the judge advocate shall give a ruling on any question of law arising in connection with the making of such a determination.”.

Clause 138, page 69, line 17, insert “, or cause to be administered,” after “administer”.

Clause 154, page 77, line 7, omit “, or of mixed law and fact,”.

Page 77, line 14, omit “, or of mixed law and fact,”.

Clause 155, page 77, line 28, omit “, or of mixed law and fact,”.

Clause 162, page 81, omit sub-clauses (6) and (7), substitute the following sub-clauses:

“(6) Where in a review it appears to the reviewing authority that a service tribunal has imposed a punishment of imprisonment on a convicted person and has not fixed a lesser term of imprisonment during which the person is not to be eligible to be released on parole under sections 4 (1) and (2) of the *Commonwealth Prisoners Act* 1967 in its application, by virtue of sub-section 72 (1) of this Act, to the service tribunal, the reviewing authority may fix such a lesser term of imprisonment.

(7) Section 72 applies in relation to the fixing of a lesser term of imprisonment under sub-section (6) as if the reviewing authority were the service tribunal concerned.”.

Clause 174, page 85, omit the clause.

Proposed new clause—

Mr Scholes moved—That the following new clause be inserted in the Bill:

Review of Defence Force discipline law

“197A. (1) The Minister shall, as soon as practicable after the expiration of 3 years after the proclaimed date, establish a Board, to be known as the Defence Force Discipline Legislation Board of Review, consisting of such persons as he determines.

(2) The Board shall, within 12 months after it is established, prepare and furnish to the Minister a report relating to—

- (a) the operation of this Act and the regulations; and
- (b) the operation of any other law of the Commonwealth or of the Australian Capital Territory in so far as that law relates to the discipline of the Defence Force.

(3) The Minister may determine—

- (a) the manner in which the Board is to perform its functions; and
- (b) the procedure to be followed at or in relation to meetings of the Board, including matters with respect to—
 - (i) the convening of meetings of the Board;
 - (ii) the number of members of the Board who are to constitute a quorum;
 - (iii) the selection of a member of the Board to preside at meetings of the Board; and
 - (iv) the manner in which questions arising at a meeting of the Board are to be decided.

(4) A member of the Board shall be paid such remuneration (if any) as is determined by the Remuneration Tribunal.

(5) Subject to the *Remuneration Tribunals Act 1973*, members of the Board shall be paid such allowances as the Minister determines.

(6) The Minister shall make available to the Board such secretarial or clerical assistance as is necessary to enable the Board to perform its functions.

(7) The Minister shall cause the report of the Board to be laid before each House of the Parliament within 15 sitting days of that House after the receipt of that report by the Minister.”.

Debate continued.

Proposed new clause negatived.

Remainder of Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Millar reported accordingly.

On the motion of Sir James Killen, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

11 DEFENCE FORCE (MISCELLANEOUS PROVISIONS) BILL 1982: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

On the motion of Sir James Killen (Leader of the House), by leave, the following amendments were made together:

Clause 52—

Page 16, line 34, omit “period”, substitute “period or by a fine of an amount not exceeding \$500”.

Page 16, line 37, omit “first-mentioned period”, substitute “first-mentioned period or by a fine of an amount not exceeding \$500”.

Bill, as amended, agreed to.
 Bill to be reported with amendments.

The House resumed; Mr Millar reported accordingly.
 On the motion of Sir James Killen, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

- 12 **FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE:** Mr Deputy Speaker informed the House that the Government Whip had nominated Mr Coleman to be a member of the Joint Committee on Foreign Affairs and Defence in place of Mr Carlton (Minister for Health).
- 13 **ENVIRONMENT AND CONSERVATION—STANDING COMMITTEE:** Mr Deputy Speaker informed the House that the Government Whip had nominated Mr MacKellar to be a member of the Standing Committee on Environment and Conservation in place of Mr Hodges (Minister for Immigration and Ethnic Affairs).
- 14 **POSTPONEMENT OF ORDER OF THE DAY:** Ordered—That order of the day No. 3, government business, be postponed until a later hour this day.
- 15 **WILDLIFE PROTECTION (REGULATION OF EXPORTS AND IMPORTS) BILL 1982:** 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.
 The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.
 On the motion of Mr McVeigh (Minister for Home Affairs and Environment), by leave, the following amendments were made together:

Clause 4—

Page 5, after the definition of “premises” insert the following definitions:

“prescribed scientific organization” means a scientific organization included in a class of scientific organizations declared by the regulations to be a prescribed class of scientific organizations for the purposes of this Act;

“prescribed scientific research” means scientific research engaged in by a prescribed scientific organization;”.

Page 6, lines 27 and 28, omit the definition of “scientific research”.

Clause 8, page 9, line 23, omit “authorized by that Act or law to do so,”, substitute “exercising powers under that Act or law”.

Clause 10, page 10, line 6, insert “published in the *Gazette*” after “hand”.

Clause 28—

Page 17, line 27, insert “prescribed” before “scientific research”.

Page 17, line 32, insert “prescribed” before “scientific research”.

Page 17, line 36, insert “prescribed” before “scientific research”.

Clause 29—

Page 18, line 20, insert “prescribed” before “scientific research”.

Page 18, line 27, insert “prescribed” before “scientific research”.

Page 18, line 35, insert “prescribed” before “scientific research”.

Clause 30—

Page 19, line 5, insert “prescribed” before “scientific research”.

Page 19, line 7, insert “prescribed” before “scientific research”.

Clause 31—

Page 19, line 16, insert “prescribed” before “scientific research”.

Page 19, line 28, insert "prescribed" before "scientific research".

Page 19, line 35, insert "prescribed" before "scientific research".

Clause 36—

Page 22, line 12, insert "prescribed" before "scientific research".

Page 22, line 17, insert "prescribed" before "scientific research".

Clause 37—

Page 22, line 35, insert "prescribed" before "scientific research".

Page 22, line 42, insert "prescribed" before "scientific research".

Clause 38—

Page 23, line 14, insert "prescribed" before "scientific research".

Page 23, line 18, insert "prescribed" before "scientific research".

Clause 43, page 29, line 1, insert "except in the case of an authority to import a specimen not referred to in paragraph 22 (a)," before "that".

Clause 69, page 47, lines 9-42, and page 48, lines 1-8, omit the clause, substitute the following clauses:

Seizure and forfeiture of specimens

"69. (1) Where a court convicts a person of an offence against this Act or the regulations, the court may order the forfeiture to the Commonwealth of any specimen (including a specimen that has been seized under sub-section (2)) used or otherwise involved in the commission of the offence.

(2) An inspector may seize any specimen that he believes on reasonable grounds has been used or otherwise involved in the commission of an offence against this Act or the regulations and may retain the specimen until the expiration of a period of 60 days after the seizure, or, if—

(a) proceedings for an offence against this Act or the regulations in the commission of which the specimen may have been used or otherwise involved are instituted within that period; or

(b) an action referred to in sub-section (5) is brought in relation to the specimen, until those proceedings, that action, or those proceedings and that action, as the case requires, is or are terminated.

(3) Subject to sub-section (4), where a specimen is seized by an inspector under sub-section (2), he shall, as soon as is practicable, serve on the owner of the specimen or the person who has possession, custody or control of the specimen immediately before it was seized a notice in writing—

(a) identifying the specimen;

(b) stating that it has been seized under sub-section 69 (2) and specifying the reason for the seizure; and

(c) setting out the terms of sub-section (5).

(4) An inspector is not required to serve a notice under sub-section (3) in relation to a specimen if—

(a) after making such inquiries as he thinks appropriate, he does not, within 20 days after the specimen was seized, have sufficient information to enable him to serve the notice; or

(b) the Minister is required to serve a notice under sub-section 69A (2).

(5) Where a specimen is seized under sub-section (2), the owner of the specimen may, within 30 days after the seizure, or, where a notice is served under sub-section (3) in relation to the specimen, within 30 days after the service, bring an action against the Commonwealth in a court of competent jurisdiction for the delivery of the specimen to him on the ground that the specimen was not used or otherwise involved in the commission of an offence against this Act or the regulations, and—

(a) where the owner of the specimen does so—

(i) if the court finds that the specimen was used or otherwise involved in the commission of the offence—the court shall order the specimen to be forfeited to the Commonwealth; or

- (ii) if the action is discontinued by the owner otherwise than by reason that the specimen has been delivered to him, forfeited to the Commonwealth or disposed of under sub-section 69A (1)—the specimen is forfeited to the Commonwealth; or
- (b) where the owner of the specimen does not do so and, within the period of 60 days after the seizure, none of the following events occurs:
 - (i) proceedings are instituted for an offence against this Act or the regulations in the commission of which the specimen is alleged to have been used or otherwise involved;
 - (ii) the specimen is delivered to the owner;
 - (iii) the specimen is disposed of under sub-section 69A (1),
the specimen is forfeited to the Commonwealth.
- (6) In any action in a court brought under sub-section (5), the court may find that a person committed an offence if, and only if—
 - (a) in the case of a person who has been tried for the offence—the person has been convicted of the offence; or
 - (b) in any other case—the court is satisfied beyond reasonable doubt that the person committed the offence.
- (7) A specimen forfeited to the Commonwealth by virtue of this section becomes the property of the Commonwealth and, subject to sub-section (8), shall be dealt with and disposed of in accordance with the directions of the Minister.
- (8) A specimen shall not be dealt with under this section in any way that would result in the specimen becoming an object of trade.
- (9) Where a person has been convicted of an offence in which a specimen that has been seized under sub-section (2) was used, any costs in relation to the custody of the specimen (including any costs of transporting or disposing of the specimen and, in the case of a specimen that is a live animal or a live plant, any costs of maintaining the animal or plant) are a debt due by the person to the Commonwealth, and the Commonwealth may recover the amount of the costs by action in a court of competent jurisdiction.
- (10) For the purposes of this section, where a live animal or a live plant has been used or otherwise involved in the commission of an offence against this Act or the regulations, any progeny of that animal or plant in the possession of the person who committed the offence shall be taken to be a specimen that was used or otherwise involved in the commission of that offence.
- (11) Where an inspector is authorized under this section to retain a specimen he may do so by causing the specimen to be taken to, and kept at, a place approved by the Designated Authority for the purpose of keeping specimens seized under this section.
- (12) For the purposes of this section, proceedings or an action shall not be taken to have been terminated unless and until any appeal to a court in relation to the proceedings or action has been terminated.
- (13) In this section, 'specimen' includes an article to which sub-section 4 (2) applies.

Disposal of certain live animals and plants seized

- 69A. (1) Where—
- (a) any specimen, being a live animal or a live plant, is seized under sub-section 69 (2); and
 - (b) the Minister considers on reasonable grounds that it is not appropriate that that specimen be retained in accordance with that sub-section but that it is appropriate that that specimen be returned to its natural habitat, destroyed or otherwise dealt with,
- the Minister may cause the specimen to be dealt with in the manner that he considers appropriate.
- (2) Subject to sub-section (3), where a specimen is dealt with in accordance with sub-section (1), the Minister shall, as soon as is practicable, serve on the owner of

the specimen or the person who had possession, custody or control of the specimen immediately before it was seized a notice in writing—

- (a) identifying the specimen;
- (b) unless a notice in relation to the seizure has been served under sub-section 69 (3)—stating that the specimen has been seized under sub-section 69 (2) and specifying the reason for the seizure;
- (c) stating that the specimen has been dealt with under sub-section 69A (1) and specifying the manner in which it has been so dealt with and the reason for doing so; and
- (d) setting out the terms of sub-section (4).

(3) The Minister is not required to serve a notice under sub-section (2) in relation to a specimen if, after making such inquiries as he thinks appropriate, he does not, within 20 days after dealing with the specimen, have sufficient information to enable him to serve the notice.

(4) Where a specimen is dealt with in accordance with sub-section (1), the owner of the specimen may bring an action against the Commonwealth in a court of competent jurisdiction for the recovery of the market value of the specimen at the time it was so dealt with on the ground that the specimen was not used or otherwise involved in the commission of an offence against this Act or the regulations.

(5) In any action in a court brought under sub-section (4), the court may find that a person committed an offence if, and only if—

- (a) in the case of a person who has been tried for the offence—the person has been convicted of the offence; or
- (b) in any other case—the court is satisfied beyond reasonable doubt that the person committed the offence.

Seizure and forfeiture of goods involved in offences

69B. (1) Where a court convicts a person of an offence against this Act or the regulations, the court may order the forfeiture to the Commonwealth of any goods used or otherwise involved in the commission of the offence.

(2) An inspector may seize any goods that he believes on reasonable grounds to have been used or otherwise involved in the commission of an offence against this Act or the regulations and may retain the goods until the expiration of a period of 60 days after the seizure, or, if proceedings for an offence against this Act or the regulations in the commission of which the goods may have been used or otherwise involved are instituted within that period, until the proceedings (including any appeal to a court in relation to those proceedings) are terminated.

(3) The Minister may authorize goods seized under sub-section (2) or anything in, on or attached to such goods to be released to their owner, or to the person from whose possession they were seized, either unconditionally or on such conditions as he thinks fit, including conditions as to the giving of security for payment of their value if they are forfeited.

(4) An inspector may seize any matter or thing that he believes on reasonable grounds will afford evidence of the commission of an offence against this Act or the regulations and may retain it until the expiration of a period of 60 days after the seizure, or, if proceedings for an offence against this Act or the regulations of the commission of which it may afford evidence are instituted within that period, until the proceedings (including any appeal to a court in relation to those proceedings) are terminated.

(5) Goods forfeited to the Commonwealth by virtue of this section become the property of the Commonwealth and shall be dealt with and disposed of in accordance with the directions of the Minister.

(6) In this section, 'goods' includes vehicles, vessels, aircraft and platforms but does not include any specimen or any article to which sub-section 4 (2) applies."

Clause 78—

Page 52, before paragraph (1) (a) insert the following paragraph:

"(aa) a declaration by the Minister under sub-section 10 (1);"

Page 53, after paragraph (e) insert the following paragraph:

“(ea) a determination by the Minister for the purposes of paragraph 24 (5) (b) of the period for which a permit is to remain in force;”.

Page 53, after paragraph (j) insert the following paragraphs:

- “(ja) a determination by the Minister for the purposes of paragraph 42 (6) (c) of the period for which an authority under section 42 is to remain in force;
- (jb) a determination by the Minister for the purposes of paragraph 43 (9) (b) of the period for which an authority under section 43 is to remain in force, being a period of less than 12 months;
- (jc) a determination by the Minister for the purposes of paragraph 44 (3) (c) of the period for which an authority under section 44 is to remain in force;”.

Schedule 2—

Part I, page 66, omit “genus *Cyatheaceae*”, substitute “family Cyatheaceae”.

Part I, page 66, omit “genus *Dicksoniaceae*”, substitute “family Dicksoniaceae”.

Part II, Division 3, page 67, omit—

“GALLIFORMES	Megapodiidae	<i>Megapodius</i> <i>freycinet</i> <i>abbotti</i>	fowl, Abbott’s scrub, Abbott’s megapode”.
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substitute—

“	Pandionidae	(Species of Pandionidae)	
	Sagittariidae	(Species of Sagittariidae)	

GALLIFORMES	Megapodiidae	<i>Megapodius</i> <i>freycinet</i> <i>abbotti</i>	fowl, Abbott’s scrub, Abbott’s megapode”.
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Part II, Division 5, page 69, column headed “Genus, species or sub-species”, insert “or Part III” after “Part II” (third occurring).

Part II, Division 5, page 69, column headed “Genus, species or sub-species”, omit—

“(Sub-species of species of *Moschus* a sub-species of which is specified in Part II of Schedule 1, other than sub-species so specified)”.

Part III, Division 5, page 69, column headed “Genus, species or sub-species”, insert “or Part III” after “Part II” (fourth last occurring).

Part III, page 73, omit—

“Population of animals of the species *Canis lupus* outside Bhutan, India, Nepal and Pakistan”,

substitute—

“Population of animals of the species *Moschus moschiferus* in areas outside the Himalayas

Population of animals of the species *Canis lupus* outside Bhutan, India, Nepal and Pakistan

Population of animals of the species *Felis caracal* in areas outside Asia

Population of animals of the species *Felis rubiginosa* in areas outside India”.

Schedule 6—

Part II, Division 1, page 80, columns headed “Family” and “Genus, species or sub-species”, omit—

“Branchiostegidae *Malacanthus latovittatus*”.

Part II, Division 1, page 80, columns headed “Family” and “Genus, species and sub-species”, omit—

“Serranidae *Suttonia lineata*”.

Part II, Division 2, page 80, column headed “Genus, species or sub-species”, omit “*Acanthurus xanthorum*”, substitute “*Zebrasona xanthurum*”.

Part II, Division 2, page 81, columns headed "Family" and "Genus, species or sub-species", omit—		
"Bothidae		<i>Bothus mancus</i> ",
substitute—		
"Bothidae		<i>Bothus mancus</i>
Branchiostegidae		<i>Malacanthus latovittatus</i> ".
Part II, Division 2, page 82, omit all the words from and including—		
"Ehippidae	<i>Drepane punctata</i>	batfish, spotted"
to and including—		
	" <i>Grammistes sexlineatus</i>	soapfish",
substitute—		
"Ehippidae	<i>Drepane punctata</i>	batfish, spotted
	<i>Platax batavianus</i>	batfish
	<i>Platax orbicularis</i>	batfish
Heterodontidae	<i>Heterodontus japonicus</i>	shark, Port Jackson
Holocentridae	<i>Adioryx diadema</i>	squirrelfish
	<i>Adioryx lacteoguttatus</i>	squirrelfish
	<i>Adioryx microstomus</i>	squirrelfish
	<i>Adioryx ruber</i>	squirrelfish
	<i>Adioryx spinifer</i>	squirrelfish
	<i>Adioryx tiere</i>	squirrelfish
	<i>Adioryx xantherythrus</i>	squirrelfish
	<i>Flammeo opercularis</i>	squirrelfish
	<i>Flammeo sammara</i>	squirrelfish
	<i>Holocentrus rufus</i>	squirrelfish
	<i>Myripristis jacobus</i>	soldierfish
	<i>Myripristis kuntee</i>	soldierfish
	<i>Myripristis murdjan</i>	soldierfish
	<i>Myripristis pralinius</i>	soldierfish
	<i>Myripristis violaceus</i>	soldierfish
	<i>Plectrypops lima</i>	squirrelfish
Grammatidae	<i>Gramma loreto</i>	basslet
Grammistidae	<i>Grammistes sexlineatus</i>	soapfish".
Part II, Division 2, page 83, omit all the words from and including—		
" <i>Platax pinnatus</i>		batfish"
to and including—		
" <i>Coris variegata</i>		wrasse, variegated",
substitute—		
	" <i>Platax pinnatus</i>	batfish
	<i>Platax teira</i>	batfish
	<i>Spilotichthys pictus</i>	sweetlips
Gobiidae		
(Oxudercidae)	<i>Amblygobius phalaena</i>	goby
	<i>Eleotriodes sexguttatus</i>	gudgeon, blue-cheeked
	<i>Electriodes strigatus</i>	gudgeon, golden-headed
	<i>Gobiodon citrinus</i>	goby, lemon
	<i>Gobiodon histrio</i>	goby, coral
	<i>Lythrypnus dalli</i>	goby, catalina
	<i>Nemateleotris magnifica</i>	gudgeon, fire
	<i>Oxyurichthys</i>	goby
	<i>Ptereleotris microlepis</i>	gudgeon, blue
	<i>Ptereleotris tricolor</i>	scissortail
	<i>Vanderhorstia ornatissima</i>	goby
	<i>Zonogobious semidoliatus</i>	goby, regal
Kuhliidae	<i>Kuhlia taentura</i>	perch, flagtail

Kyphosidae (Scorpidae)	<i>Microcanthus strigatus</i>	stripey
Labridae	<i>Anampses caeruleopunctatus</i>	wrasse, chisel-tooth
	<i>Anampses chrysocephalus</i>	wrasse, chisel-tooth
	<i>Anampses cuvier</i>	wrasse, chisel-tooth
	<i>Anampses twistii</i>	wrasse, chisel-tooth
	<i>Bodianus axillaris</i>	pigfish
	<i>Bodianus bilunulatus</i>	pigfish
	<i>Bodianus diana</i>	pigfish
	<i>Bodianus mesothorax</i>	pigfish
	<i>Cheilinus undulatus</i>	wrasse, maori
	<i>Cheilio inermis</i>	rainbowfish
	<i>Cirrhilabrus temminckii</i>	rainbowfish, threadfin
	<i>Coris aygula</i>	labrid, clown
	<i>Coris baillieui</i>	malamalama
	<i>Coris flavovittata</i>	hilu
	<i>Coris gaimard</i>	wrasse, clown
	<i>Coris variegata</i>	wrasse, variegated
	<i>Epibulus insidiator</i>	telescopefish
	<i>Gomphosus varius</i>	wrasse, club-nosed
	<i>Halichoeres biocellatus</i>	wrasse, two-spot
	<i>Halichoeres centriquadrus</i>	wrasse, four-spot
	<i>Halichoeres margaritaceus</i>	wrasse, pearl-spot
	<i>Halichoeres nebulosus</i>	wrasse, clouded
	<i>Halichoeres notopsis</i>	wrasse, two-eyed".
Part II, Division 2, page 84, omit—		
"Pempherididae	<i>Pempheris oualensis</i>	sweeper",
substitute—		
"Oxudercidae	<i>Percipthalmus papillo</i>	mudskipper
Pempherididae	<i>Pempheris oualensis</i>	sweeper
Pholidichthyidae	<i>Pholidichthys leucotaenia</i>	worm, convict".
Part II, Division 2, page 85, columns headed "Genus, species and sub-species" and "Common name", omit—		
" <i>Dascyllus</i>	<i>dascyllus</i> ".	
Part II, Division 2, page 85, omit—		
"Scaridae	<i>Bolbometopon (Scarus) bicolor</i>	
substitute—		
"Pseudogrammatidae	<i>Suttonia lineata</i>	
Scaridae	<i>Bolbometopon (Scarus) bicolor</i>	parrotfish".

Mr West moved the following amendment:

Schedule 3, page 74, omit Part II, substitute the following Part:

"PART II—ANIMALS

Order	Family	Genus, species or sub-species	Common name
CETACEA		all species	whales, dolphins and porpoises
PINNIPEDIA	Phocidae	<i>Cystophora cristata</i> <i>Pagophilus groenlandicus</i>	hooded seal harp seal".

It being 10 p.m.—Progress to be reported.

The House resumed; Mr Millar reported accordingly.

Adjournment negated: The question was accordingly proposed—That the House do now adjourn.

Mr McVeigh requiring the question to be put forthwith without debate—
Question—put and negatived.
The House again resolved itself into a committee of the whole.

In the committee

Debate continued.
Amendment negatived.
Bill, as amended, agreed to.
Bill to be reported with amendments.

The House resumed; Mr Millar reported accordingly.
On the motion of Mr McVeigh, by leave, the House adopted the report, and, by leave, the
Bill was read a third time.

16 **ADJOURNMENT:** Sir James Killen (Leader of the House) moved—That the House do
now adjourn.

Debate ensued.

The House continuing to sit until 10.30 p.m.—Mr Deputy Speaker adjourned the House until
tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 18 August 1982, pur-
suant to statute:

Commonwealth Teaching Service Act—Determination—1982—No. 4.

Public Service Act—Determination—1982—No.10.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr
N. A. Brown, Mr Jacobi, Sir Phillip Lynch and Dr Theophanous.

D. M. BLAKE,
Clerk of the House of Representatives