

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 96

TUESDAY, 29 NOVEMBER 1988

1 The House met, at 2 p.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.

2 **DEATH OF FORMER MEMBER (MR E. M. C. FOX):** Madam Speaker informed the House of the death, on 27 November 1988, of Mr Edmund Maxwell Cameron Fox, CBE, a Member of this House for the Division of Henty from 1955 to 1974.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

3 **QUESTIONS:** Questions without notice being asked—

*Suspension of standing and sessional orders—Motion of censure of Prime Minister:* Mr Howard (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 a motion of censure of the Prime Minister.

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

*Prime Minister—Motion of censure:* Mr Howard moved—That this House censures the Prime Minister for misleading Parliament and the Australian people in his answers at question time yesterday.

Debate ensued.

Mr Keating (Treasurer) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “this House censures the Opposition for making a mockery of the House by its persistent use of the forms of the House to smear and slander Members of the House”.

Debate continued.

*Closure:* Mr Beazley (Leader of the House) moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 77

Mr Baldwin	Mr Duffy	Mr Jones	Mr Price
Mr Beazley	Mr Duncan	Mr Keating	Mr Punch
Mr Beddall	Mr R. F. Edwards	Mrs Kelly	Mr Saunderson
Mr Bilney	Ms Fatin	Mr Kent	Mr Sawford
Mr Blanchard	Mr Fitzgibbon	Mr Kerr	Mr Scholes
Dr Blewett	Mr Free	Dr Klugman	Mr J. L. Scott
Mr Bowen	Mr Gayler	Mr Lamb*	Mr L. J. Scott
Mr J. J. Brown	Mr Gear	Mr Langmore	Mr Simmons
Mr Brumby	Mr Grace	Mr Lavarch	Mr Snow
Mr Campbell	Mr Griffiths	Mr Lee	Mr Snowdon
Mr Charles	Mr Hand	Mr Lindsay	Mr Staples
Dr Charlesworth	Mrs Harvey	Ms McHugh	Dr Theophanous
Mr Chynoweth	Mr Hawke	Mr Martin	Mr Tickner
Mr Cleeland	Mr Holding	Mr Mildren	Mr Uren
Mr Courtice	Mr Hollis	Mr Milton	Mr West
Ms Crawford	Mr Howe	Mr A. A. Morris	Mr Willis
Mr Cross	Mr Humphreys	Mr P. F. Morris	Mr Wright
Mr Cunningham*	Mrs Jakobsen	Mr Mountford	
Mr Dawkins	Mr Jenkins	Mr O'Keefe	
Mr Dubois	Mr Johns	Mr O'Neil	

NOES, 58

Mr Aldred	Dr H. R. Edwards	Mr McGauran	Mr Shack
Mr Andrew*	Mr Fife	Mr MacKellar	Mr Sharp
Mr Beale	Mr T. A. Fischer	Mr Macphee	Mr Shtpton
Mr Blunt	Mr P. S. Fisher	Mr Miles	Mr Sinclair
Mr Braithwaite	Mr Goodluck	Mr Millar	Mr Smith
Mr N. A. Brown	Mr Hall	Mr Moore	Mr Spender
Mr Burr	Mr Halverson	Mr Nehl	Mrs Sullivan
Mr Cadman	Mr Hawker	Mr Peacock	Mr Taylor
Mr E. C. Cameron	Dr Hewson	Mr Porter	Mr Tuckey
Mr I. M. D. Cameron	Mr Hicks*	Mr Pratt	Mr Webster
Mr Carlton	Mr Howard	Mr Prosser	Mr White
Mr Cobb	Mr Hunt	Mr Reith	Mr Wilson
Mr Connolly	Mr Jull	Mr Robinson	Dr Wooldridge
Mr Cowan	Mr Lloyd	Mr Rocher	
Mr Dobie	Mr McArthur	Mr Ruddock	

\* Tellers

And so it was resolved in the affirmative.

And the question—That the amendment be agreed to—being accordingly put.

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

AYES, 78

Mr Baldwin	Mr Dubois	Mr Johns	Mr O'Neil
Mr Beazley	Mr Duffy	Mr Jones	Mr Price
Mr Beddall	Mr Duncan	Mr Keating	Mr Punch
Mr Bilney	Mr R. F. Edwards	Mrs Kelly	Mr Saunderson
Mr Blanchard	Ms Fatin	Mr Kent	Mr Sawford
Dr Blewett	Mr Fitzgibbon	Mr Kerr	Mr Scholes
Mr Bowen	Mr Free	Dr Klugman	Mr J. L. Scott
Mr J. J. Brown	Mr Gayler	Mr Lamb*	Mr L. J. Scott
Mr R. J. Brown	Mr Gear	Mr Langmore	Mr Simmons
Mr Brumby	Mr Grace	Mr Lavarch	Mr Snow
Mr Campbell	Mr Griffiths	Mr Lee	Mr Snowdon
Mr Charles	Mr Hand	Mr Lindsay	Mr Staples
Dr Charlesworth	Mrs Harvey	Ms McHugh	Dr Theophanous
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Mr Cleeland	Mr Holding	Mr Mildren	Mr Uren
Mr Courtice	Mr Hollis	Mr Milton	Mr West
Ms Crawford	Mr Howe	Mr A. A. Morris	Mr Willis
Mr Cross	Mr Humphreys	Mr P. F. Morris	Mr Wright
Mr Cunningham*	Mrs Jakobsen	Mr Mountford	
Mr Dawkins	Mr Jenkins	Mr O'Keefe	

NOES, 58

Mr Aldred	Dr H. R. Edwards	Mr McGauran	Mr Shack
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Mr Braithwaite	Mr Goodluck	Mr Millar	Mr Smith
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Mr I. M. D. Cameron	Mr Hicks*	Mr Pratt	Mr Webster
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Mr Cobb	Mr Hunt	Mr Reith	Mr Wilson
Mr Connolly	Mr Jull	Mr Robinson	Dr Wooldridge
Mr Cowan	Mr Lloyd	Mr Rocher	
Mr Dobie	Mr McArthur	Mr Ruddock	

\* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 78

Mr Baldwin	Mr Dubois	Mr Johns	Mr O'Neil
Mr Beazley	Mr Duffy	Mr Jones	Mr Price
Mr Beddall	Mr Duncan	Mr Keating	Mr Punch
Mr Bilney	Mr R. F. Edwards	Mrs Kelly	Mr Saunderson
Mr Blanchard	Ms Fatin	Mr Kent	Mr Sawford
Dr Blewett	Mr Fitzgibbon	Mr Kerr	Mr Scholes
Mr Bowen	Mr Free	Dr Klugman	Mr J. L. Scott
Mr J. J. Brown	Mr Gayler	Mr Lamb*	Mr L. J. Scott
Mr R. J. Brown	Mr Gear	Mr Langmore	Mr Simmons
Mr Brumby	Mr Grace	Mr Lavarch	Mr Snow
Mr Campbell	Mr Griffiths	Mr Lee	Mr Snowdon
Mr Charles	Mr Hand	Mr Lindsay	Mr Staples
Dr Charlesworth	Mrs Harvey	Ms McHugh	Dr Theophanous
Mr Chynoweth	Mr Hawke	Mr Martin	Mr Tickner
Mr Cleeland	Mr Holding	Mr Mildren	Mr Uren
Mr Courtice	Mr Hollis	Mr Milton	Mr West
Ms Crawford	Mr Howe	Mr A. A. Morris	Mr Willis
Mr Cross	Mr Humphreys	Mr P. F. Morris	Mr Wright
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Mr Braithwaite	Mr Goodluck	Mr Millar	Mr Smith
Mr N. A. Brown	Mr Hall	Mr Moore	Mr Spender
Mr Burr	Mr Halverson	Mr Nehl	Mrs Sullivan
Mr Cadman	Mr Hawker	Mr Peacock	Mr Taylor
Mr E. C. Cameron	Dr Hewson	Mr Porter	Mr Tuckey
Mr I. M. D. Cameron	Mr Hicks*	Mr Pratt	Mr Webster
Mr Carlton	Mr Howard	Mr Prosser	Mr White
Mr Cobb	Mr Hunt	Mr Reith	Mr Wilson
Mr Connolly	Mr Jull	Mr Robinson	Dr Wooldridge
Mr Cowan	Mr Lloyd	Mr Rocher	
Mr Dobie	Mr McArthur	Mr Ruddock	

\* Tellers

And so it was resolved in the affirmative.

Questions without notice concluded.

4 EFFICIENCY AUDIT—REPORT OF AUDITOR-GENERAL—PUBLICATION OF PAPER:

The Deputy Speaker, for Madam Speaker, presented the following paper:

Efficiency audit—Department of the Arts, Sport, the Environment, Tourism and Territories—ACT Administration: building control—Report of the Auditor-General, dated 29 November 1988.

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

- (1) That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the report of the Auditor-General, dated 29 November 1988, upon an efficiency audit of the Department of the Arts, Sport, the Environment, Tourism and Territories—ACT Administration: building control; and
- (2) That the report be printed.

Question—put and passed.

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

Australian Sports Commission Act—Australian Sports Commission—Report and financial statements, including the Auditor-General's Report, for 1987-88.

Commonwealth Fire Board—Report for 1987-88.

Defence Force Retirement and Death Benefits Act—Defence Force Retirement and Death Benefits Authority—Report, including freedom of information statement, for 1987-88.

Health Insurance Commission Act—Health Insurance Commission—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1987-88.

Public Service Act—

Department of the Arts, Sport, the Environment, Tourism and Territories—  
Report for period 24 July 1987 to 30 June 1988—

Volume I, including a report of the Public Lending Right Committee, for 1987-88 pursuant to the Public Lending Right Act and a freedom of information statement.

Volume II—ACT Administration, including freedom of information statement.

Department of Transport and Communications—Report, including freedom of information statement, for 1987-88.

6 **LEAVE OF ABSENCE TO MEMBER:** Mr Sinclair (Leader of the National Party of Australia) moved—That leave of absence for 1 month be given to Mr Katter on the ground of ill health.

Question—put and passed.

7 **PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BALANCE OF PAYMENTS AND LIVING STANDARDS:** The House was informed that Mr Peacock (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Hawke/Keating Government to implement economic policies to achieve a strengthening of the underlying balance of payments and an improvement in living standards".

The proposed discussion having received the necessary support—

Mr Peacock rising to address the House—

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

Question—put.

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

AYES, 76

Mr Baldwin	Mr Dawkins	Mr Jenkins	Mr O'Keefe
Mr Beazley	Mr Dubois	Mr Johns	Mr O'Neil
Mr Beddall	Mr Duffy	Mr Jones	Mr Price
Mr Bilney	Mr Duncan	Mrs Kelly	Mr Punch
Mr Blanchard	Mr R. F. Edwards	Mr Kent	Mr Sanderson
Dr Blewett	Ms Fatin	Mr Kerr	Mr Sawford
Mr Bowen	Mr Fitzgibbon	Dr Klugman	Mr Scholes
Mr J. J. Brown	Mr Free	Mr Lamb*	Mr J. L. Scott
Mr R. J. Brown	Mr Gayler	Mr Langmore	Mr L. J. Scott
Mr Brumby	Mr Gear	Mr Lavarch	Mr Simmons
Mr Campbell	Mr Grace	Mr Lee	Mr Snow
Mr Charles	Mr Griffiths	Mr Lindsay	Mr Snowdon
Dr Charlesworth	Mr Hand	Ms McHugh	Mr Staples
Mr Chynoweth	Mrs Harvey	Mr Martin	Dr Theophanous
Mr Cleland	Mr Holding	Mr Mildren	Mr Tickner
Mr Courtice	Mr Hollis	Mr Milton	Mr Uren
Ms Crawford	Mr Howe	Mr A. A. Morris	Mr West
Mr Cross	Mr Humphreys	Mr P. F. Morris	Mr Willis
Mr Cunningham*	Mrs Jakobsen	Mr Mountford	Mr Wright

NOES, 57

Mr Aldred	Dr H. R. Edwards	Mr MacKellar	Mr Sharp
Mr Andrew*	Mr Fife	Mr Macphee	Mr Shipton
Mr Beale	Mr T. A. Fischer	Mr Miles	Mr Sinclair
Mr Blunt	Mr P. S. Fisher	Mr Millar	Mr Smith
Mr Braithwaite	Mr Goodluck	Mr Moore	Mr Spender
Mr N. A. Brown	Mr Hall	Mr Nehl	Mrs Sullivan
Mr Burr	Mr Halverson	Mr Peacock	Mr Taylor
Mr Cadman	Mr Hawker	Mr Porter	Mr Tuckey
Mr E. C. Cameron	Dr Hewson	Mr Pratt	Mr Webster
Mr I. M. D. Cameron	Mr Hicks*	Mr Prosser	Mr White
Mr Carlton	Mr Hunt	Mr Reith	Mr Wilson
Mr Cobb	Mr Jull	Mr Robinson	Dr Wooldridge
Mr Connolly	Mr Lloyd	Mr Rocher	
Mr Cowan	Mr McArthur	Mr Ruddock	
Mr Dobie	Mr McGauran	Mr Shack	

\* Tellers

And so it was resolved in the affirmative.

**8 PUBLIC WORKS COMMITTEE—REPORT:** Mr Hollis (Chairman) presented the following report from the Parliamentary Standing Committee on Public Works:

Report relating to the proposed fitout works at 110 Goulburn Street, Sydney, for the Eastern Region headquarters of the Australian Federal Police (14th report of 1988).

Ordered to be printed.

**9 SYDNEY (KINGSFORD-SMITH) AIRPORT—EXPANSION OF INTERNATIONAL TERMINAL COMPLEX—APPROVAL OF WORK:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Expansion of the international terminal complex, Sydney (Kingsford-Smith) Airport.

Debate ensued.

Question—put and passed.

**10 PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—NAVY LIVING-IN ACCOMMODATION AT HMAS CERBERUS, CRIB POINT, VIC.:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee

on Public Works for consideration and report: Upgrade of Navy living-in accommodation at HMAS *Cerberus*, Crib Point, Vic.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

- 11 MESSAGE FROM THE SENATE—AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) BILL 1988: The following message from the Senate was reported:  
Message No. 237

Madam Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to provide for the Government of the Australian Capital Territory, 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.

KERRY SIBRAA  
President

The Senate,  
Canberra, 25 November 1988, a.m.

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

—  
*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 2, clause 3, definition of "employee", lines 29 and 30, leave out the definition.
- No. 2—Page 2, clause 3, definition of "member of the staff", lines 43 and 44, leave out the definition.
- No. 3—Page 3, clause 3, after definition of "public money of the Territory", insert the following new definitions:  
"public servant" means a member of the public service;  
"public service" means the service referred to in section 53;".
- No. 4—Page 4, after subclause 9 (2), add the following new subclause:  
"(3) This section has effect subject to any enactment."
- No. 5—Page 4, subclause 11 (2), line 25, leave out "as".
- No. 6—Page 5, paragraph 12 (1) (d), line 8, leave out "at least 9", insert "an absolute majority of the".
- No. 7—Page 5, subclause 12 (2), lines 10 to 12, leave out the subclause.
- No. 8—Page 5, subclause 13 (1), line 17, leave out "member of the staff", insert "person".
- No. 9—Page 5, subclause 13 (2), line 19, leave out "member of the staff", insert "person".
- No. 10—Page 5, subclause 13 (3), line 21, leave out "member of the staff", insert "person".
- No. 11—Page 5, paragraph 14 (1) (b), lines 28 and 29, leave out the paragraph, insert the following paragraph:  
"(b) is absent without the permission of the Assembly from:  
(i) such number of consecutive meetings as is specified by enactment for the purposes of this subparagraph; or  
(ii) if no such enactment is in force—4 consecutive meetings of the Assembly; or".
- No. 12—Page 5, subclauses 14 (2) and (3), lines 33 to 40, leave out the subclauses.
- No. 13—Page 5, after clause 14, insert the following new clause:

**Conflict of Interest**

"14A. (1) A member of the Assembly who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a

Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract.

"(2) A question concerning the application of subsection (1) shall be decided by the Assembly, and a contravention of that subsection does not invalidate anything done by the Assembly."

No. 14—Page 7, subclause 17 (1), line 22, leave out "9 members are a quorum", insert "a quorum is formed by an absolute majority of the members".

No. 15—Page 7, subclause 17 (2), line 23 to 25, leave out the subclause.

No. 16—Page 8, subclause 22 (1), line 30, leave out "subsection (2)", insert "this section".

No. 17—Page 9, after subclause 22 (2), add the following new subclauses:

"(3) If, immediately before 1 July 1990, paragraph (1) (b) applies to the establishment of magistrates courts or coroners courts, it ceases so to apply on and from that date.

"(4) Paragraph (1) (b) ceases to have effect in any form on 1 July 1992 unless sooner omitted by the regulations."

No. 18—Page 10, after clause 27, insert the following new clause:

**Avoidance of application of enactments to Parliament**

"27A. (1) In this section:

'enactment' includes a part of an enactment;

'Parliamentary precincts' means the precincts defined by subsection 3 (1) of the *Parliamentary Precincts Act 1988*.

"(2) If either House of the Parliament passes a resolution declaring that an enactment made after the commencing day does not apply:

(a) to that House;

(b) to the members of that House; or

(c) in the Parliamentary precincts,

the resolution has effect according to its tenor and the enactment does not apply accordingly.

"(3) A resolution under subsection (2):

(a) does not have effect in respect of the application of an enactment on a day before the day on which the resolution is passed; and

(b) has effect, to the extent that the enactment ceases to apply, as if the enactment were repealed by another enactment."

No. 19—Page 11, after subclause 32 (2), insert the following new subclause:

"(2A) Subsection (2) does not apply to the *Australian Capital Territory Evidence (Temporary Provisions) Act 1971* or the *Australian Capital Territory Supreme Court Act 1933* until after 1 July 1992 or until regulations amend Schedule 3 in the manner referred to in subsection (5A), whichever sooner occurs."

No. 20—Page 11, after subclause 32 (5), insert the following new subclause:

"(5A) If, before 1 July 1992, the regulations do not amend Schedule 3 by omitting all the laws in Schedule 3, other than those referred to in Schedule 5, then, on and after that date, those laws shall be taken to be enactments and may be amended or repealed accordingly."

No. 21—Page 12, subclause 33 (2), line 4, after "the Governor-General may", insert "by written instrument,".

No. 22—Page 12, after subclause 33 (2), insert the following new subclause:

"(2A) A written instrument referred to in subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*."

No. 23—Page 12, clause 34, lines 23 to 25, leave out the clause.

No. 24—Pages 15 and 16, clauses 49 and 50, line 35 (page 15) to line 14 (page 16), leave out the clauses, insert the following clauses:

**Powers of Head of Administration**

"49. The Head of Administration:

- (a) shall advise the executive on the management of the public service as a whole;
- (b) in relation to the administrative unit of the public service under his or her control:
  - (i) shall be responsible, under the Chief Minister, for its general working and for all its business; and
  - (ii) shall advise the Chief Minister on all matters relating to the unit; and
- (c) shall exercise the powers conferred on the Head of Administration by or under enactment.

**Powers of Associate Heads of Administration**

"50. An Associate Head of Administration shall, in relation to the administrative unit of the public service under his or her control:

- (a) be responsible, under the appropriate Minister, for its general working and for all its business; and
- (b) advise that Minister on all matters relating to the unit."

No. 25—Page 16, subclause 52 (3), line 32, leave out "member of the staff", insert "public servant".

No. 26—Page 16, subclause 52 (4), line 35, leave out "member of the staff", insert "public servant".

No. 27—Page 16, subclause 52 (4), lines 36 and 37, leave out "the member as such a member", insert "him or her as a public servant".

No. 28—Page 17, clause 53, lines 7 to 12, leave out the clause, insert the following clause:

**Public service**

"53. (1) There shall be a public service for the conduct of the public administration of the Government of the Territory.

"(2) The Chief Minister shall, from time to time, by notice in the *Territory Gazette*:

- (a) divide the public service into administrative units; and
- (b) place each Head of Administration in control of one or more of those units.

"(3) Subject to this section, the constitution and operations of the public service shall be as provided by enactment.

"(4) In this section:

'Head of Administration' includes an Associate Head of Administration."

No. 29—Page 20, paragraph 66 (4) (a), line 16, leave out "or" (second occurring).

No. 30—Page 20, after paragraph 66 (4) (a), insert the following new paragraph:  
 "(ab) the person is of unsound mind; or".

No. 31—Page 22, subclause 70 (1), definition of "employee", paragraph (a), line 4, leave out "member of the staff", insert "public servant".

No. 32—Page 22, paragraph 72 (1) (j), line 33, leave out the paragraph.

No. 33—Page 22, subclause 72 (2), lines 34 to 40, leave out the subclause, insert the following subclause:

"(2) A person shall, in respect of services in an office, be paid such remuneration as is determined by the Remuneration Tribunal, but, if no such determination is in force, shall be paid such remuneration as is specified by or under enactment."

No. 34—Page 24, at end of Schedule 2, add:

*"Australian Capital Territory Evidence (Temporary Provisions) Act 1971*  
*Australian Capital Territory Supreme Court Act 1933."*

No. 35—Page 26, Schedule 4, leave out "Executive staffing", insert "The public service".

No. 36—Page 28, after Schedule 4, add the following new Schedule:



"SCHEDULE 5 Section 32  
LAWs AND PROVISIONS OTHER THAN THOSE THAT SHALL  
BECOME ENACTMENTS

PART 1—ORDINANCES OF THE TERRITORY

*Companies Auditors and Liquidators Disciplinary Board Ordinance 1982*

*Corporate Affairs Commission Ordinance 1980*

*Ordinances Revision (Companies Amendments) Ordinance 1982*

*The Commercial Banking Company of Sydney Limited (Merger) Ordinance 1982*

*The Commercial Bank of Australia Limited (Merger) Ordinance 1982*

PART 2—ACTS OF THE PARLIAMENT OF NEW SOUTH WALES IN  
FORCE IN THE TERRITORY

Life, Fire and Marine Insurance Act 1902

PART 3—IMPERIAL ACTS IN FORCE IN THE TERRITORY

Demise of the Crown	(1760) 1 Geo. 3 c. 23
Naval Prize Act	(1864) 27 and 28 Vic. c. 25
Naval Prize (Procedure) Act	(1916) 6 and 7 Geo. 5 c. 2
Prize Act	(1939) 2 and 3 Geo. 6 c. 65
Prize Courts Act	(1894) 57 and 58 Vic. c. 39
Prize Courts Act	(1915) 5 and 6 Geo. 5 c. 57
Prize Courts (Procedure) Act	(1914) 4 and 5 Geo. 5 c. 13
Territorial Waters Jurisdiction	(1878) 41 and 42 Vic. c. 73."

On the motion of Mr Holding (Minister for the Arts and Territories), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

On the motion of Mr Holding, the House adopted the report.

12 MESSAGE FROM THE SENATE—AUSTRALIAN CAPITAL TERRITORY (ELECTORAL)  
BILL 1988: The following message from the Senate was reported:

Message No. 238

Madam Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act relating to elections for the Legislative Assembly for the Australian Capital Territory*", 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.

KERRY SIBRAA  
President

The Senate,  
Canberra, 25 November 1988, a.m.

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 2, after clause 4, insert the following new clause:

**Available preferences**

"4A. For the purposes of sections 18 and 19A, where the next available preference indicated on a ballot-paper cannot be determined because the same number appears in more than one square on the ballot-paper:

- (a) where only one of those squares is opposite the name of a party or an independent candidate, the next available preference shall be taken to be for that party or candidate;
- (b) where 2 or more of those squares are opposite the names of parties or independent candidates, the ballot-paper shall not be taken to indicate a next available preference;
- (c) where all those squares are opposite the names of candidates of a particular party, the next available preference shall be taken to be for that party; and
- (d) where all those squares are opposite the names of candidates of parties and 2 or more of them are opposite the names of candidates of different parties, the ballot-paper shall not be taken to indicate a next available preference.”.

No. 2—Page 3, subclause 9 (4), line 26, leave out “1993”, insert “1992”.

No. 3—Page 3, subclause 9 (5), line 28, leave out “fourth”, insert “third”.

No. 4—Page 6, paragraph 17 (d), lines 18 to 27, leave out the paragraph, insert the following paragraph:

“(d) at a general election, an elector shall vote only by:

- (i) expressing a first preference for one independent candidate;
- (ii) expressing a first preference for one registered party; or
- (iii) expressing a first preference for one candidate of one registered party;

and, if the elector wishes to do so, expressing subsequent preferences for candidates or parties for which the elector has not expressed a first preference.”.

No. 5—Pages 6 to 8, clauses 18 and 19, line 28 (page 6) to line 24 (page 8), leave out the clauses, insert the following clauses:

**Counting votes: exclusion from distribution of seats**

“18. (1) The total number (called the ‘base number’) of first preference votes received by each party and by each independent candidate shall be counted, and, for this purpose, where an elector has expressed a first preference for a candidate of a party, the party is treated as receiving one first preference vote.

“(2) The sum of the base numbers shall be divided by a number equal to the sum of 1 and the number of members to be elected to the Assembly and the result of that division (disregarding any remainder) shall be increased by 1.

“(3) All parties and independent candidates whose base numbers are less than the result of the calculation under subsection (2) shall be excluded from participation in the distribution of seats.

“(4) Where a ballot-paper indicates a first preference vote for an excluded party or independent candidate, the vote given by that ballot-paper shall be transferred to, and added to the base number of, the party, the party of the candidate, or the independent candidate, not excluded, for whom the ballot-paper indicates the next available preference (if any).

“(5) Where:

- (a) a party is excluded;
- (b) a ballot-paper that indicates a first preference vote for that party or a candidate of that party does not indicate a preference for another party, a candidate of another party, or an independent candidate; and
- (c) that excluded party has a party voting ticket registered for the purposes of the election that indicates a next available preference for a party, a candidate of a party, or an independent candidate, not excluded;

the vote shall be transferred to, and added to the base number of, the party, the party of the candidate, or the independent candidate, with that preference.

**Counting votes: provisional election of candidates**

“19. (1) The provisional distribution of seats among parties and independent candidates shall be determined in accordance with section 19C.

“(2) If an independent candidate receives a seat under subsection (1), the candidate is provisionally elected.

“(3) If the number of seats received by a party under subsection (1) equals the number of candidates of the party, the candidate is, or candidates are, provisionally elected.

“(4) If the number of candidates of a party exceeds the number of seats received by the party under subsection (1), the candidate or candidates of the party is or are provisionally elected to those seats by distributing the votes among the candidates as provided by the Electoral Act.

**Counting votes: transfer of preferences of provisionally unsuccessful candidates etc.**

“19A. (1) Where a ballot-paper indicates a first preference for:

- (a) a party:
  - (i) that was not excluded under section 18; but
  - (ii) did not receive a seat under subsection 19 (1); or
- (b) a candidate:
  - (i) of a party that was not excluded under section 18; and
  - (ii) who was not provisionally elected under subsection 19 (3) or (4);

the vote given by that ballot-paper shall be transferred to:

- (c) where the ballot-paper indicates a next available preference for another party, or a candidate of another party, not excluded—that other party; or
- (d) where the ballot-paper indicates a next available preference for an independent candidate not excluded—that candidate.

“(2) Where a ballot-paper indicates a first preference for an independent candidate who:

- (a) was not excluded under section 18; but
- (b) did not receive a seat under subsection 19 (1);

the vote given by that ballot-paper shall be transferred to:

- (c) where the ballot-paper indicates the next available preference for a party, or a candidate of a party, not excluded—that party; or
- (d) where the ballot-paper indicates the next available preference for another independent candidate not excluded—that candidate.

“(3) Where a ballot-paper indicates:

- (a) a first preference for a candidate:
  - (i) of a party that was not excluded under section 18; and
  - (ii) who was not provisionally elected under subsection 19 (3) or (4);and

(b) a next available preference for another candidate of that party; that next available preference shall be taken to be the first preference.

“(4) For the purposes of subsections (1), (2) and (3):

- (a) where a ballot-paper indicates a vote that has been transferred under subsection 18 (4) or (5) because of a next available preference for a party, a candidate of a party or an independent candidate, the ballot-paper shall be taken to indicate the first preference for that party, candidate of that party, or independent candidate, as the case may be; and
- (b) where subsection 18 (5) applies to a ballot-paper, preferences indicated by the party voting ticket shall be taken to be indicated by the ballot-paper.

“(5) The base number within the meaning of subsection 18 (1) as increased under subsections 18 (4) and (5) of each party and independent candidate shall be adjusted by:

- (a) adding to the base number the votes transferred to the party or independent candidate under subsections (1) and (2); and
- (b) deducting from the base number the votes for that party or independent candidate that were transferred under subsection (1) or (2) to another

party or an independent candidate or to a party or another independent candidate, as the case may be.

**Counting votes: election of candidates**

"19B. (1) The distribution of seats among parties and independent candidates shall be determined in accordance with section 19C.

"(2) If an independent candidate receives a seat under subsection (1), the candidate is elected.

"(3) If the number of seats received by a party under subsection (1) equals the number of candidates of the party, the candidate is, or candidates are, elected.

"(4) If the number of candidates of a party exceeds the number of seats received by the party under subsection (1), the candidate or candidates of the party is or are elected to those seats by distributing the votes among the candidates as provided by the Electoral Act.

**Counting votes: distribution of seats among parties and independent candidates**

"19C. (1) In this section:

'adjusted base number', in relation to a party or independent candidate, means:

(a) in the case of a determination for the purposes of subsection 19 (1)—the base number of the party or candidate as increased under subsections 18 (4) and (5); or

(b) in the case of a determination for the purposes of subsection 19B (1)—the base number of the party or candidate as increased under those subsections and adjusted under subsection 19A (5);

'base number' has the same meaning as in subsection 18 (1).

"(2) The adjusted base numbers of the parties and independent candidates not excluded under section 18 shall be divided by 1, then by 2, then by 3 and so on.

"(3) The numbers worked out by dividing all the adjusted base number by 1 are 'quotients' on the first and highest 'rank' and the numbers worked out by dividing all the adjusted base numbers by 2 (disregarding any remainders) are 'quotients' on the second 'rank' and so on.

"(4) If any 2 quotients on different ranks are equal, the quotient on the higher rank shall be taken to be the higher quotient.

"(5) If 2 or more quotients on the same rank are equal, the Australian Capital Territory Electoral Officer shall, by ballot, decide the order in which they shall be treated for the purposes of subsection (6).

"(6) The party or independent candidate receiving the highest quotient receives the first seat, the party or independent candidate receiving the next highest quotient receives the next seat, and so on until all the seats to be filled have been distributed.

"(7) When the number of seats received by a party is equal to the number of candidates for that party, any further quotient received by that party shall be disregarded.

"(8) When an independent candidate receives a seat, any further quotient received by that candidate shall be disregarded.

"(9) An example of a distribution under this section is set out in Schedule 2."

No. 6—Page 8, subclause 20 (2), line 36, leave out "34", insert "24".

No. 7—Page 18, Schedule 1, proposed modifications of section 173, before paragraph (a), insert the following paragraph:

"(aa) Insert at the beginning of the section the following subsection: '(1) In this section, "base number" has the same meaning as in subsection 18 (1).'

- No. 8—Page 18, Schedule 1, proposed modifications of section 173, paragraph (b), proposed paragraph 173 (a), leave out “total number of votes received by”, insert “base number of”.
- No. 9—Page 18, Schedule 1, proposed modifications of section 173, paragraph (b), proposed paragraph 173 (b), leave out “sum of the votes received by”, insert “base number of”.
- No. 10—Page 22, Schedule 1, proposed modification of sections 211, 211A and 212, after proposed subsection 211 (1), insert the following new subsection:  
 “(1A) A registered party shall not lodge a statement for the purposes of subsection (1) that indicates equal preferences.”.
- No. 11—Page 23, Schedule 1, proposed modification of subparagraph 213 (1) (a) (v), leave out all words after “insert”, insert “, a public servant or a member of the staff of a Territory authority”.
- No. 12—Page 23, Schedule 1, proposed modification of subparagraph 213 (1) (a) (ix), leave out all words from and including “after”, insert the following paragraphs:  
 “(a) After ‘Australian Public Service’ (first occurring) insert ‘, a public servant or a member of the staff of a Territory authority’.  
 (b) Omit ‘another officer of the Australian Public Service’, substitute ‘another person who is an officer of the Australian Public Service, a public servant or a member of the staff of a Territory authority’.”.
- No. 13—Page 25, Schedule 1, proposed modification of subsections 239 (1) and (2), at end of proposed paragraph 239 (1) (b), add “or”.
- No. 14—Page 25, Schedule 1, proposed modification of subsections 239 (1) and (2), at end of proposed paragraph 239 (1) (c), leave out “or”.
- No. 15—Page 25, Schedule 1, proposed modification of subsections 239 (1) and (2), proposed paragraph 239 (1) (d), leave out the paragraph.
- No. 16—Page 28, Schedule 1, proposed modification of paragraphs 268 (1) (b) and (c), proposed paragraph (ca), leave out “subject to subsection 269 (1)”.
- No. 17—Page 28, Schedule 1, proposed modification of section 269, proposed subsection 269 (1), before “ballot-paper”, insert “formal”.
- No. 18—Page 29, Schedule 1, proposed modification of section 269, leave out proposed subsections 269 (2) and (3), insert the following subsection:  
 “(2) Where a formal ballot-paper has:  
 (a) a preference mark in a square next to the name of a party;  
 (b) no other preference mark in a square above the ballot-line; and  
 (c) a preference mark in a square opposite the name of a candidate of that party;  
 the ballot-paper shall be taken not to have been marked above the ballot-line.”.
- No. 19—Page 29, Schedule 1, proposed modification of section 270, proposed subsection 270 (2), leave out “or (6)”.
- No. 20—Page 30, Schedule 1, proposed modification of section 270, at end of proposed subsection 270 (2), add “and any other preference marks on the ballot-paper shall be taken not to have been made”.
- No. 21—Page 30, Schedule 1, proposed modification of section 270, after proposed subsection 270 (2), insert the following new subsection:  
 “(2A) Where, under subsection 19A (3) of the Territory Electoral Act, a preference indicated for the candidate of party on a ballot-paper is taken to be a first preference, any other preference marks on the ballot-paper shall be taken not to have been made.”.
- No. 22—Page 31, Schedule 1, proposed modification of paragraph 273 (2) (c), proposed paragraph (c), before “votes” (wherever occurring), insert “first preference”.
- No. 23—Page 31, Schedule 1, proposed modification of paragraph 273 (2) (c), proposed paragraph (ca), before “vote”, insert “first preference”.
- No. 24—Page 31, Schedule 1, proposed modification of paragraph 273 (2) (d), leave out “first preference”.

- No. 25—Page 31, Schedule 1, proposed modification of subparagraph 273 (2) (f) (i), before “votes”, insert “first preference”.
- No. 26—Page 31, Schedule 1, proposed modification of paragraphs 273 (5) (c) and (d), proposed subparagraph 273 (5) (c) (i), before “votes” (first occurring), insert “first preference”.
- No. 27—Page 31, Schedule 1, proposed modification of paragraphs 273 (5) (c) and (d), proposed subparagraph 273 (5) (c) (ii), leave out the subparagraph, insert the following subparagraph:  
“(ii) the first preference votes received by each candidate of a party; and”.
- No. 28—Page 31, Schedule 1, proposed modification of paragraphs 273 (5) (c) and (d), proposed subparagraph 273 (5) (c) (iii), before “votes”, insert “first preference”.
- No. 29—Page 31, Schedule 1, proposed modification of paragraphs 273 (5) (c) and (d), proposed paragraph 273 (5) (d), before “votes” (first, second and fifth occurring), insert “first preference”.
- No. 30—Page 32, Schedule 1, proposed modification of paragraphs 273 (5) (c) and (d), proposed subparagraphs 273 (5) (da) (ii) and (iii), before “vote” (wherever occurring), insert “first preference”.
- No. 31—Page 32, Schedule 1, proposed modification of subsections 273 (6), (7) and (8), leave out proposed subsection 273 (6), insert the following subsection:  
“(6) The Australian Capital Territory Electoral Officer shall cause everything necessary to be done for the purpose of:  
(a) the exclusion of parties and independent candidates under section 18 of the Territory Electoral Act;  
(b) the provisional distribution of seats required by subsection 19 (1) of that Act;  
(c) the distribution of votes required by subsection 19 (4) of that Act, being a distribution in accordance with this section;  
(d) ascertaining, and, if necessary, parcelling, the ballot-papers to which section 19A of that Act applies;  
(e) the transfer of votes required by section 19A of that Act;  
(f) the distribution of seats required by subsection 19B (1) of that Act; and  
(g) the distribution of votes required by subsection 19B (4) of that Act, being a distribution in accordance with this section.”.
- No. 32—Page 32, Schedule 1, proposed modification of subsections 273 (6), (7) and (8), leave out proposed subsection 273 (8), insert the following subsections:  
“(8) For the purposes of the succeeding subsections a candidate of a party shall be taken to have received a first preference vote if he or she receives a higher preference than any other candidate of that party.  
(8AA) In the succeeding subsections:  
'elect', in relation to a count for the purposes of subsection 19 (4) of the Territory Electoral Act, means provisionally elect.”.
- No. 33—Page 32, Schedule 1, proposed modification of subsections 273 (6), (7) and (8), proposed subsection 273 (8B), leave out “dividing the total number of votes received by that party”, insert the following word and paragraphs:  
“dividing:  
(a) in the case of a distribution for the purposes of subsection 19 (4) of the Territory Electoral Act—the base number of that party as increased under subsections 18 (4) and (5) of that Act; or  
(b) in the case of a distribution for the purposes of subsection 19B (4) of that Act—the base number of that party as increased under those subsections and adjusted under subsection 19A (5) of that Act;”.
- No. 34—Page 32, Schedule 1, proposed modification of subsections 273 (6), (7) and (8), proposed subsections 273 (8C), after “votes”, insert “(being, in the case of a distribution for the purposes of subsection 19B (4) of the Territory Electoral Act, that number as adjusted by the operation of section 19A of that Act)”.

- No. 35—Page 32, Schedule 1, proposed modifications of subsection 273 (9), after paragraph (b), insert the following paragraph:  
“(ba) After ‘candidate’ (first occurring) insert ‘of the party’.”
- No. 36—Page 33, Schedule 1, after proposed modification of subsection 273 (19), insert the following new modification:  
“Subsection 273 (20):  
Omit ‘and the *Representation Act 1983*’.”
- No. 37—Page 33, Schedule 1, proposed modification of subsection 273 (29) (definitions of ‘leading shortfall’ and ‘shortfall’), leave out the modification, insert the following modifications:  
“Subsection 273 (22):  
Omit ‘Electoral Officer for the State’, substitute ‘Capital Territory Electoral Officer’.  
“Subsection 273 (29):  
After the definition of ‘adjusted notional vote’ insert the following definition:  
“‘base number’ has the same meaning as in subsection 18 (1) of the Territory Electoral Act.’  
“Subsection 273 (29) (definition of ‘leading shortfall’):  
(a) Omit ‘in a Senate election’, substitute ‘to determine which candidates of a party are to be elected’.  
(b) After ‘candidate’ insert ‘of the party’.  
“Subsection 273 (29) (definition of ‘notional vote’):  
After ‘candidate’ (third occurring) insert ‘of his or her party’.  
“Subsection 273 (29) (definition of ‘shortfall’):  
Omit ‘in a Senate election’, substitute ‘to determine which candidates of a party are to be elected’.”
- No. 38—Page 33, Schedule 1, after proposed modification of subsection 273 (29) (definition of “State”), insert the following new modifications:  
“Subsection 273 (29) (definition of ‘vacancy shortfall’):  
(a) Omit ‘in a Senate election’, substitute ‘to determine which candidates of a party are to be elected’.  
(b) After ‘candidate’ (first occurring) insert ‘of the party’.  
“Paragraph 273 (31) (b):  
Omit ‘Electoral Officer for the State’, substitute ‘Capital Territory Electoral Officer’.”
- No. 39—Page 37, Schedule 1, proposed modification of subsections 294 (1), (2) and (3), proposed subsection 294 (1), leave out all words after “in respect of” and before “received” (second occurring), insert “each first preference vote that, for the purposes of subsection 18 (1) of the Territory Electoral Act, is taken to have been received by a registered party, and for each first preference vote that, for those purposes, is taken to have been”.

On the motion of Mr Holding (Minister for the Arts and Territories), the amendments were agreed to.  
Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

On the motion of Mr Holding, the House adopted the report.

13 MESSAGE FROM THE SENATE—AUSTRALIAN CAPITAL TERRITORY (PLANNING AND LAND MANAGEMENT) BILL 1988: The following message from the Senate was reported:

Message No. 239

Madam Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to provide for the planning of the Australian Capital Territory and the management of land in that Territory, to repeal the ‘National Capital Development Commission Act 1957’, 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.

KERRY SIBRAA  
President

The Senate,  
Canberra, 25 November 1988, a.m.

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

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*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 3, clause 4, definition of “works”, paragraph (a), line 36, leave out “or extension”, insert “, extension or demolition”.

No. 2—Page 25, clause 82, lines 1 to 7, leave out the clause, insert the following clause:

**Contracts**

“82. Where, immediately before the repeal of the NCDC Act, a contract was subsisting and the NCDC was a party to the contract, the Commonwealth is substituted for the NCDC as a party to the contract.”.

On the motion of Mr Holding (Minister for the Arts and Territories), the amendments were agreed to.

Resolution to be reported.

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The House resumed; Mr McLeay reported accordingly.

On the motion of Mr Holding, the House adopted the report.

14 MESSAGE FROM THE SENATE—A.C.T. SELF-GOVERNMENT (CONSEQUENTIAL PROVISIONS) BILL 1988: The following message from the Senate was reported:

Message No. 240

Madam Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to make certain transitional provisions, and to amend certain Acts, in consequence of the enactment of the ‘Australian Capital Territory (Self-Government) Act 1988’*”, 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.

KERRY SIBRAA  
President

The Senate,  
Canberra, 25 November 1988, a.m.

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

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*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 3, clause 3, definition of “Territory office”, lines 6 and 7, leave out the definition.

No. 2—Page 3, clause 3, definition of “transitional Territory staff”, lines 16 to 19, leave out the definition, insert the following definition:

“transitional Territory staff” means the persons required for the conduct of the public administration of the Government of the Territory, other than members of the service referred to in section 53 of the Self-Government Act.”.

No. 3—Page 5, after clause 11, insert the following new clause:



**Laws converted into enactments by 1 July 1990**

“11A. (1) In this section:

‘law’ includes a part of a law.

“(2) If, immediately before 1 July 1990, any laws specified in subsection (5) have not been omitted from Schedule 3 of the Self-Government Act, the laws are omitted from that Schedule on that date by force of this subsection and shall be taken to be enactments and may be amended or repealed accordingly.

“(3) Where:

(a) an Ordinance has been made with respect to the subject matter of a law specified in Schedule 3 to the Self-Government Act; and

(b) the law is omitted from that Schedule at a time when the Ordinance is in force;

the Governor-General may make regulations providing that the Ordinance, or specified parts of the Ordinance (being parts relating to that subject matter), with such modifications (if any) as are specified in the regulations, shall be taken to be an enactment and may be amended or repealed accordingly.

“(4) The definition of ‘enactment’ in section 3 of the Self-Government Act shall be read as including a law, Ordinance or part of an Ordinance that is taken to be an enactment because of subsection (2) or (3).

“(5) The laws referred to in subsection (2) are the laws specified in the various Parts of Schedule 3 to the Self-Government Act as follows:

“PART 1

*Children’s Services Ordinance 1986* except sections 143, 144, 145, 146 and 147

*Criminal Injuries Compensation Ordinance 1983*

*Coroners Ordinance 1956*

Crimes Ordinances and Crimes Amendment Ordinances (various)

*Imperial Acts (Substituted Provisions) Ordinance 1986*, Schedule 2, Parts 16, 17, 20 and 21

*Judgment Creditors Remedies Ordinance 1933*

*Judiciary (Stay of Proceedings) Ordinance 1933*

*Legal Practitioners Ordinance 1970*

*Limitation Ordinance 1985*

*Magistrates Court Ordinance 1930*

*Magistrates Court (Civil Jurisdiction) Ordinance 1982*

*Notaries Public Ordinance 1984*

*Police Ordinance 1927*

*Small Claims Ordinance 1974*

*Supreme Court Ordinance 1952*

“PART 2

Arrest on Mesne Process Act 1902

Crimes Act 1900

Judgment Creditors’ Remedies Act 1901

Lunacy Act 1898, sections 65, 66 and 67

Piracy Punishment Act 1902

“PART 3

Offences at sea

(1536) 28 Hen. 8 c. 15

Piracy

(1698) 11 Will. 3 c. 7

Piracy

(1717) 4 Geo. 1 c. 11

Piracy

(1721) 8 Geo. 1 c. 24

Piracy

(1744) 18 Geo. 2 c. 30

Slavery Abolition Act

(1833) 3 and 4 Will. 4 c. 73

Slave Trade Act

(1824) 5 Geo. 4 c. 113

Slave Trade Act

(1843) 6 and 7 Vic. c. 98

Slave Trade Act

(1873) 36 and 37 Vic. c. 88”.

No. 4—Page 8, paragraphs 20 (3) (a) and (b), lines 18 to 20, leave out the paragraphs, insert the following paragraph:

- “(a) subsections (1), (1A) and (2) were omitted;”.
- No. 5—Page 8, subclause 20 (6), line 30, leave out “member of the staff”, insert “public servant”.
- No. 6—Page 13, subclause 30 (1), lines 10 to 13, leave out the subclause, insert the following subclause:
- “(1) The Governor-General may make regulations making provision (including provision by way of modifications of an Act) in relation to:
- (a) any matter arising from, connected with or consequential upon the establishment of the Territory as a body politic under the Crown; or
- (b) any matter arising from, connected with or consequential upon the conversion of a law into an enactment.”.
- No. 7—Page 13, subclause 30 (3), line 17, leave out the subclause, insert the following subclauses:
- “(3) Regulations relating to a matter specified in paragraph (1) (a) shall not be made after 31 December 1989.
- “(4) Regulations relating to a matter specified in paragraph (1) (b) shall not be made after the law becomes an enactment.
- “(5) In this section:
- ‘law’ includes:
- (a) a part of a law; or
- (b) an Ordinance or a part of an Ordinance.”.
- No. 8—Page 14, Schedule 1, proposed modifications of the *Public Service Act 1922*, proposed new subsection 7 (1A), leave out “*Australian Capital Territory*”, insert “*A.C.T. Self-Government*”.
- No. 9—Page 16, Schedule 2, proposed modifications of the *Long Service Leave (Commonwealth Employees) Act 1976*, proposed modification of subsection 23 (5), leave out paragraph (a), insert the following paragraph:
- “(a) Omit ‘public authority of the Commonwealth’, substitute ‘enactment authority within the meaning of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*’.”.
- No. 10—Page 22, Schedule 5, proposed amendments of the *Australian Capital Territory Supreme Court Act 1933*, after proposed amendment of section 5, add the following new amendment:
- “After section 7:
- Insert the following section:
- Appointments between 1 July 1990 and 30 June 1992**
- ‘7AA. (1) This section applies to an appointment made under section 7 on or after 1 July 1990 at a time when this Act has not become an enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*.
- (2) Such an appointment shall not be made unless, before tendering advice to the Governor-General, the Attorney-General has consulted with the Australian Capital Territory Executive.
- (3) This section ceases to have effect on 1 July 1992.’.”.
- No. 11—Page 23, Schedule 5, proposed amendments of the *Australian Federal Police Act 1979*, after proposed subsection 8 (1A), insert the following new subsection:
- “(1B) The Minister shall try to enter into the first such arrangement before 1 July 1990.”.
- No. 12—Page 25, Schedule 5, proposed amendments of the *Commonwealth Employees’ Rehabilitation and Compensation Act 1988*, proposed amendment of subsection 5 (8), at end of proposed paragraph 5 (8) (ba), add “or an office established by or under enactment”.
- No. 13—Page 36, Schedule 5, proposed amendments of the *Maternity Leave (Commonwealth Employees) Act 1973*, at end of proposed new paragraph 5 (3) (aa), add “or an office established by or under enactment”.
- No. 14—Page 40, Schedule 5, proposed amendments of the *Remuneration Tribunals Act 1973*, leave out the proposed amendments, insert the following amendment:

**“Subsection 3 (3):**

Omit the subsection, substitute the following subsection:

‘(3) A reference in this Part to an office includes a reference to an office that, within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, is an office of member of the Assembly or Minister and any office in or in connection with that Assembly that can be held only by a member of that Assembly.’”

No. 15—Page 40, Schedule 5, proposed amendment of the *Reserve Bank Act 1959*, leave out the proposed amendment.

No. 16—Page 41, Schedule 5, proposed amendments of the *Seat of Government (Administration) Act 1910*, after proposed amendment of subsection 5 (4), insert the following amendment:

**“Subsection 12 (1):**

Omit the subsection, substitute the following subsections:

‘(1) Subject to subsection (1B) the Governor-General may make Ordinances for the peace, order and good government of the Territory with respect to:

- (a) the establishment, jurisdiction, practice and procedure of courts;
- (b) the classification of materials for the purposes of censorship;
- (c) evidence;
- (d) National Land as defined by the *Australian Capital Territory (Planning and Land Management) Act 1988*;
- (e) companies;
- (f) close corporations;
- (g) foreign companies;
- (h) the acquisition of shares in bodies corporate;
- (j) the regulation of the securities industry and the futures industry; and
- (k) the subject matter of laws specified in Schedule 3 to the *Australian Capital Territory (Self-Government) Act 1988*.

‘(1A) An Ordinance made under paragraph (1) (d) has no effect to the extent that it is inconsistent with the National Capital Plan in effect under the *Australian Capital Territory (Planning and Land Management) Act 1988*, but an Ordinance shall be taken to be consistent with the Plan to the extent that it is capable of operating concurrently with the Plan.

‘(1B) Subject to subsection (1C), paragraphs (1) (a), (1) (c) and (1) (k) cease to have effect on and after 1 July 1990 or after regulations made in the manner referred to in the *Australian Capital Territory (Self-Government) Act 1988* come into effect, whichever sooner occurs.

‘(1C) Paragraph (1) (k) does not cease to have effect on and after 1 July 1990 in regard to any matter referred to in Schedule 5 to the *Australian Capital Territory (Self-Government) Act 1988*.’”

On the motion of Mr Holding (Minister for the Arts and Territories), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

On the motion of Mr Holding, the House adopted the report.

**15 JOINT DEFENCE FACILITIES—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS:** The order of the day having been read for the resumption of the debate on the motion of Mr P. F. Morris (Minister for Industrial Relations)—That the House take note of the papers (*presented on 22 November 1988*), viz.:

Joint defence facilities—Exchange of notes, dated 16 November 1988, constituting an agreement between Australia and the United States of America relating to the joint defence facility at—

Nurrungar.

Pine Gap—

Debate resumed.

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

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

- 16 **PUBLIC SERVICE (PARLIAMENTARY DEPARTMENTS) BILL 1988:** 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.

The House divided (the Speaker, Mrs Child, in the Chair)—

AYES, 72

Mr Baldwin	Mr Dubois	Mr Jones	Mr O'Keefe
Mr Beddall	Mr Duffy	Mrs Kelly	Mr O'Neil
Mr Bilney	Mr Duncan	Mr Kent	Mr Price
Mr Blanchard	Mr R. F. Edwards	Mr Kerr	Mr Punch
Dr Blewett	Ms Fatin	Dr Klugman	Mr Saunderson
Mr Bowen	Mr Fitzgibbon	Mr Lamb*	Mr Sawford
Mr R. J. Brown	Mr Free	Mr Langmore	Mr Scholes
Mr Brumby	Mr Gayler	Mr Lavarch	Mr J. L. Scott
Mr Campbell	Mr Gear	Mr Lee	Mr L. J. Scott
Mr Charles	Mr Grace	Mr Lindsay	Mr Simmons
Dr Charlesworth	Mr Griffiths	Ms McHugh	Mr Snow
Mr Chynoweth	Mr Hand	Mr McLeay	Mr Snowdon
Mr Cleland	Mrs Harvey	Mr Martin	Mr Staples
Mr Courtice	Mr Holding	Mr Mildren	Dr Theophanous
Ms Crawford	Mr Hollis	Mr Milton	Mr Tickner
Mr Cross	Mrs Jakobsen	Mr A. A. Morris	Mr West
Mr Cunningham*	Mr Jenkins	Mr P. F. Morris	Mr Willis
Mr Dawkins	Mr Johns	Mr Mountford	Mr Wright

NOES, 59

Mr Aldred	Mr Downer	Mr McGauran	Mr Shack
Mr Andrew*	Dr H. R. Edwards	Mr MacKellar	Mr Sharp
Mr Beale	Mr Fife	Mr Macphee	Mr Shipton
Mr Blunt	Mr T. A. Fischer	Mr Miles	Mr Sinclair
Mr Braithwaite	Mr P. S. Fisher	Mr Millar	Mr Smith
Mr N. A. Brown	Mr Goodluck	Mr Moore	Mr Spender
Mr Burr	Mr Hall	Mr Nehl	Mrs Sullivan
Mr Cadman	Mr Halverson	Mr Peacock	Mr Taylor
Mr E. C. Cameron	Mr Hawker	Mr Porter	Mr Tuckey
Mr I. M. D. Cameron	Dr Hewson	Mr Pratt	Mr Webster
Mr Carlton	Mr Hicks*	Mr Prosser	Mr White
Mr Cobb	Mr Hunt	Mr Reith	Mr Wilson
Mr Connolly	Mr Jull	Mr Robinson	Dr Woods
Mr Cowan	Mr Lloyd	Mr Rocher	Dr Wooldridge
Mr Dobie	Mr McArthur	Mr Ruddock	

\* Tellers

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr P. F. Morris (Minister for Industrial Relations), the Bill was read a third time.

- 17 **LAW AND JUSTICE LEGISLATION AMENDMENT BILL 1988:** 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.

*Adjournment negatived:* It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Bowen (Attorney-General) requiring the question to be put forthwith without debate—

Question—put and negatived.

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Debate continued.

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

*Message from the Governor-General:* Message No. 154, dated 9 November 1988, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

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*In the committee*

Bill, by leave, taken as a whole.

On the motion of Mr Bowen the following amendment was made, after debate: Part XVI, pages 17 and 18, lines 36 to 40 (page 17) and lines 1 to 22 (page 18), omit the Part.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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The House resumed; Mr McLeay reported accordingly.

On the motion of Mr Bowen, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

18 **ADJOURNMENT:** Mr Bowen (Attorney-General) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—Madam Speaker adjourned the House until tomorrow at 10 a.m.

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**PAPERS:** The following papers were deemed to have been presented on 29 November 1988:

Health Insurance Act—Determination pursuant to subsection 3C (1), dated 22 November 1988.

Seat of Government (Administration) Act—

Agents Ordinance—Declarations pursuant to subsection 3 (2)—1988—Nos. 4, 5, 6, 7.

Housing Assistance Ordinance—Variations pursuant to section 12—1988—Nos. 3, 4, 5

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Mr Adermann, Mr D. M. Cameron\*, Mr Cohen, Mrs Darling\*, Mr Gorman, Mr Katter\*, Mr Kerin and Mr Sciacca.

\* On leave

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**A. R. BROWNING**  
Clerk of the House of Representatives