

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 113

THURSDAY, 13 APRIL 1989

1 The House met, at 10 a.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.

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

Mr Adermann, Mr Aldred, Mr Beale, Mr Bowen, Mr Braithwaite, Mr D. M. Cameron, Mr E. C. Cameron, Mr Cleeland, Mr Courtice, Mr Cross, Mr Duffy, Mr P. S. Fisher, Mr Fitzgibbon, Mr Free, Mr Griffiths, Mr Halverson, Dr Hewson, Mr Hollis, Mr Jull, Dr Klugman, Mr Langmore, Mr Lloyd, Mr McGauran, Mr Macphee, Mr Milton, Mr Moore, Mr P. F. Morris, Mr Peacock, Mr Simmons, Mr Sinclair, Mr Spender, Dr Theophanous and Mr White, from 350, 151, 61, 55, 180, 211, 83, 75, 714, 932, 375, 39, 138, 25, 198, 51, 132, 64, 695, 74, 591, 62, 192, 187, 88, 790, 78, 194, 193, 223, 104, 48 and 628 petitioners, respectively, praying that action to reverse rising cost trends be taken and positive incentives provided to encourage all health funds to share the cost of health care for the sick and elderly.

Mr D. M. Cameron, Mr Cross, Mr Cunningham, Mr P. S. Fisher, Mr Miles, Mr Mountford, Mr Prosser, Mr Tickner, Mr Tuckey and Mr Wilson, from 35, 85, 45, 50, 186, 18, 48, 174, 3435 and 168 petitioners, respectively, praying that the importation and availability of pornography in videos, films and television be banned and certain other action be taken in relation to pornography.

Dr Blewett, Mr E. C. Cameron, Mr Cleeland, Mr Cowan, Mr Cunningham and Mr Moore, from 34, 151, 108, 18, 143 and 50 petitioners, respectively, praying that the decision to place certain pharmaceutical drugs on the "Authority only" listing be abandoned.

Mr Braithwaite, Mr P. S. Fisher, Mr Griffiths, Mr Jones and Mr White, from 73, 22, 172, 21 and 934 petitioners, respectively, praying that the aged pension be increased to 30 per cent of average weekly earnings and certain other action be taken in relation to pensions.

Mr Cleeland, Mr Duffy and Mr O'Keefe, from 32, 17 and 42 petitioners, respectively, praying that the national flag not be changed except by a referendum.

Mr Cleeland, from 19 petitioners, in similar terms.

Mr Baldwin and Ms McHugh, from 426 and 12 796 petitioners, respectively, praying that woodchipping be phased out and certain other action be taken in relation to the forests of south eastern Australia.

Mr Beale and Mr N. A. Brown, from 38 and 88 petitioners, respectively, praying that the observance of Romania's obligations under the Treaty of

- Trianon (1920) and the Peace Treaty of Paris (1947) be investigated and that certain other action be taken as a result of that investigation.
- Mr E. C. Cameron and Mr Jull, from 37 and 120 petitioners, respectively, praying that the excessive reliance on high interest rates as the major economic policy weapon cease.
- Mrs Kelly and Mr Smith, from 3528 and 473 petitioners, respectively, praying that the provision of an adequately funded pharmaceutical benefits scheme which ensures availability of pharmaceutical benefits through local pharmacies be guaranteed.
- Mr Smith, from 240 petitioners, in similar terms.
- Mr Mountford and Mr Webster, from 10 and 35 petitioners, respectively, praying that an International Earth Repair Action Decade begin on 5 June 1990.
- Mr Beddall, from 111 residents of Queensland, praying that the National Acoustic Laboratory not be affected adversely by staff cuts and structural changes.
- Mr Blanchard, from 233 petitioners, praying that home loan interest rates be reduced immediately and certain other action be taken in relation to home loan interest rates.
- Dr Blewett, from 1042 petitioners, praying that all advertising of alcohol on radio and television be banned.
- Mr E. C. Cameron, from 391 electors of the Division of Indi, praying that road funding levels be increased through a clear dedication of a proportion of fuel excise collected and certain other action be taken in relation to road funding arrangements.
- Mr E. C. Cameron, from 99 petitioners, praying that the rights of private enterprise be protected and any inequitable additional taxes be rejected.
- Mr E. C. Cameron, from 60 petitioners, praying that the decision to place certain drugs on the "Authorities Required" list be reversed.
- Mr E. C. Cameron, from 16 residents of the Division of Indi, praying that local government be allocated more resources to address the problem of deteriorating road networks.
- Mr Campbell, from 36 petitioners, praying that the decision to tax gold producers be reversed.
- Mr Cleeland, from 162 petitioners, praying that action be taken to ban the manufacture and sale of war and victim toys and to control violence in cartoons, video games and on television.
- Mr Cowan, from 232 residents of the Division of Lyne, praying that the incidence of crime and violence broadcast on television be reduced.
- Mr T. A. Fischer, from 6 petitioners, in similar terms.
- Mr T. A. Fischer, from 17 petitioners, praying that CPI-based increases to fuel excise be halved and the proportion of this tax spent on roads increased by one half.
- Mr Gorman, from 540 petitioners, praying that any proposal to combine the functions of HMAS *Nirimba* and HMAS *Cerberus* be rejected.
- Mr Hicks, from 247 residents of Broken Hill, NSW, praying that increased funding be provided for support services to the frail and aged in Broken Hill and certain other action be taken in relation to aged care.
- Mr Kerr, from 1060 petitioners, praying that the importation of any radioactive substances or machinery for the purposes of food irradiation be banned and certain other action be taken in relation to food irradiation.
- Mr Langmore, from 5833 petitioners, praying that the Civic Olympic Pool in Canberra be maintained permanently in its present site and surroundings.
- Mr Langmore, from 1857 petitioners, praying that the Higher Education Contribution Scheme be withdrawn and the present 1 per cent of gross domestic product spent on higher education be maintained.

- Mr Lee, from 34 petitioners, praying that Social Security legislation be amended to correct an anomaly which exists in the assessment of income of World War II veterans who did not serve in a theatre of war.
- Mr Lloyd, from 53 petitioners, praying that legislation be amended to allow cheaper fuel for country people.
- Mr Martin, from 1074 residents of Wollongong, NSW, praying that urgent steps be taken to grant Don Bickett Australian citizenship.
- Mr Martin, from 606 residents of Wollongong, NSW, praying that urgent steps be taken to grant Don Bickett and Alphonse Hammond Australian citizenship.
- Mr Peacock, from 60 petitioners, praying that the administration of tax file number related legislation by the Australian Taxation Office be referred to the House of Representatives Standing Committee on Finance and Public Administration for investigation.
- Mr Pratt, from 10 petitioners, praying that legislation be amended to increase immediately the level of spending on maintenance and development of the national road system.
- Mr Shack, from 131 petitioners, praying that patients paying the same Medicare insurance levy receive an equal Medicare rebate for services regardless of where they are provided.
- Mr Sinclair, from 176 petitioners, praying that construction of a third runway at Sydney (Kingsford-Smith) Airport and upgrading of existing radar and traffic control facilities be approved immediately.
- Mr Tickner, from 20 petitioners, praying that the Constitution Alteration (Electors Initiative) Bill 1987 be referred to a parliamentary committee and certain other action be taken in relation to the Bill.
- Mr Tuckey, from 109 petitioners, praying that section 13 of the Customs (Cinematograph Films) Regulations be retained and certain other action be taken in relation to censorship.
- Dr Woods, from 12 petitioners, praying that the importing and exporting of chlorofluorocarbons be banned and certain other legislative action be taken in response to the greenhouse effect.

Petitions received.

Mr D. M. Cameron moved—That the petition lodged by Mr Peacock relating to the administration of tax file numbers legislation by the Australian Taxation Office be referred to the Standing Committee on Finance and Public Administration.

Mr Porter addressing the House—

Closure of Member: Mr Staples (Minister for Housing and Aged Care) moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 74

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

NOES, 54

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

* Tellers

And so it was resolved in the affirmative.

Mr Shipton addressing the House—

Closure: Mr Staples moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 74

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

NOES, 56

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

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put and a division being called for—

In accordance with standing order 193, as amended by sessional order, the division was deferred until 12.30 p.m.

3 SUSPENSION OF STANDING AND SESSIONAL ORDERS: Mr Beazley (Leader of the House) moved—That so much of the standing and sessional orders be

suspended as would prevent the time for the presentation and consideration of committee reports being extended until 11.30 a.m.

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

4 MEMBERS' INTERESTS COMMITTEE—REPORT: Dr Klugman (Chairman) presented the following paper:

Committee of Members' Interests—Report relating to the requirement for registration of gifts, dated 11 April 1989.

Ordered to be printed.

5 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Mountford (Chairman) presented the following report and related paper:

Procedure—Standing Committee—Committee procedures for dealing with witnesses—

Report, dated April 1989 (4th Report).

Minutes of proceedings.

Ordered—That the report be printed.

Mr Mountford and Mr D. M. Cameron made statements in connection with the report.

6 CORPORATIONS LEGISLATION—JOINT SELECT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER: Mr R. F. Edwards (Chairman) presented the following report and related paper:

Corporations Legislation—Joint Select Committee—

Report, including 2 dissenting reports, dated April 1989.

Evidence received by the committee.

Ordered—That the report be printed.

Mr R. F. Edwards and Mr Smith made statements in connection with the report.

Mr R. F. Edwards moved—That the House take note of the report.

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

7 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER: Mr Charles presented the following report and related papers:

Foreign Affairs, Defence and Trade—Joint Committee—Australia's relations with the South Pacific—

Report, dated March 1989.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Charles made a statement in connection with the report.

Ordered—That Mr Charles be granted an extension of time.

Mr MacKellar made a statement in connection with the report.

At 11.30 a.m., the time allotted for the presentation of committee and delegation reports having expired—

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

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

8 SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) AMENDMENT BILL 1989: Mr Prosser, pursuant to notice, presented a Bill for an Act to amend the *Sales Tax (Exemptions and Classifications) Act 1935*.

Mr Prosser made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Thursday, in accordance with sessional order 104A.

- 9 **CANBERRA AND SOUTH EASTERN REGIONAL ADVISORY COUNCIL:** Mr Snow, having amended, by leave, notice No. 2, private Members' business, moved—That this House, acknowledging that Canberra-Queanbeyan is a natural regional centre and that Canberra and the South Eastern Region of NSW are interdependent, calls on the first ACT Government to encourage a Canberra and South Eastern Regional Advisory Council composed of federal, State, territory and local council representatives with the aim of co-ordinating planning and development within the region.

Mr Ruddock (seconder) addressing the House—

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Ruddock was granted leave to continue his speech when the debate is resumed.

- 10 **AUSTRALIA'S RELATIONS WITH PORTUGAL:** Mr Shipton, pursuant to notice, moved—That this House:

- (1) notes the serious deterioration in relations between Australia and Portugal; and
- (2) calls on the Government to devise and implement a diplomatic strategy to improve our political and economic links with Portugal.

Debate ensued.

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

- 11 **GLASS PRODUCTS—DISPOSAL:** Mr Scholes, pursuant to notice, moved—That:

- (1) the disposal of glass products in any public area in the ACT and Territories under the direct control of the Commonwealth, other than in an appropriate authorised collection or dumping area, shall be a serious offence;
- (2) persons convicted of such an offence shall be liable to a penalty of not less than 8 hours of supervised rubbish clearing in public areas in the Territory, not including time taken to travel to the site;
- (3) where the offence includes the deliberate breakage of glass products, the sentence shall be a minimum of 24 hours actual time;
- (4) recurring offences after the initial conviction will attract a doubling of the penalty on each occasion; and
- (5) this House recommends that the self-governing Territories and the States enact similar legislation.

Mr Lamb (seconder) addressing the House—

It being 12.30 p.m., the debate was interrupted in accordance with sessional order 104A, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Lamb was granted leave to continue his speech when the debate is resumed.

- 12 **DEFERRED DIVISION:** The following question, on which a division had been called for and deferred earlier this day, was put, viz.: That the petition lodged by Mr Peacock relating to the administration of tax file numbers legislation by the Australian Taxation Office be referred to the Standing Committee on Finance and Public Administration (*motion moved by Mr D. M. Cameron—see entry No. 2*).

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

AYES, 56

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

NOES, 74

Mr Baklwin	Mr Duffy	Mr Jones	Mr Price
Mr Beazley	Mr Duncan	Mrs Kelly	Mr Punch
Mr Beddall	Mr R. F. Edwards	Mr Kent	Mr Saunderson
Mr Bilney	Ms Fatin	Mr Kerin	Mr Sawford
Mr Blanchard	Mr Fitzgibbon	Mr Kerr	Mr Scholes
Dr Blevett	Mr Free	Dr Klugman	Mr Sciacca
Mr Bowen	Mr Gayler	Mr Lamb*	Mr J. L. Scott
Mr R. J. Brown	Mr Gear	Mr Langmore	Mr L. J. Scott
Mr Brunby	Mr Gorman	Mr Lavarch	Mr Simmons
Mr Charles	Mr Grace	Mr Lee	Mr Snow
Dr Charlesworth	Mr Griffiths	Mr Lindsay	Mr Snowdon
Mr Chynoweth	Mr Hand	Ms McHugh	Mr Staples
Mr Cleland	Mrs Harvey	Mr Martin	Dr Theophanous
Mr Courtice	Mr Hollis	Mr Milton	Mr Tickner
Ms Crawford	Mr Howe	Mr A. A. Morris	Mr West
Mr Cros	Mr Humphreys	Mr P. F. Morris	Mr Willis
Mr Curningham*	Mrs Jakobsen	Mr Mountford	Mr Wright
Mrs Darling	Mr Jenkins	Mr O'Keefe	
Mr Dutois	Mr Johns	Mr O'Neil	

* Tellers

And so it was negatived.

13 **GRIEVANCE DEBATE:** Pursuant to the provisions of sessional order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

It being 1.45 p.m., the debate was interrupted in accordance with sessional order 106.

Question—That grievances be noted—put and passed.

14 **MEMBERS' STATEMENTS:** Members' statements were made.

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

16 **HEALTH INSURANCE BEFORE MEDICARE:** Mr Hawke (Prime Minister), by indulgence, added to an answer to a question without notice asked on 12 April 1989 concerning health insurance coverage before the introduction of Medicare.

Paper: Mr Hawke, Prime Minister, presented the following paper:

Health insurance coverage before the introduction of Medicare—Copy of letter from Mr Hawke, Prime Minister, to Dr M. R. L. Wooldridge, MP, dated 13 April 1989.

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

Audit Act—Office of Defence Production—Financial statements of certain defence factories and dockyards, including Auditor-General's Reports, for 1987-88.

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

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report for 1987-88.

Rural Industries Research Act—Australian Special Rural Research Council—Report for 1987-88.

18 REPORTS OF AUDITOR-GENERAL—PUBLICATION OF PAPERS AND REFERENCE TO COMMITTEE: Madam Speaker presented the following papers:

Audit Act—Report of the Auditor-General on audits, examinations and inspections carried out under the provisions of the Audit Act and other Acts, dated 13 April 1989.

Efficiency audit—Department of Transport and Communications: Commonwealth road funding programs—The national highway—Report of the Auditor-General, dated 13 April 1989.

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

- (1) this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the reports of the Auditor-General, dated 13 April 1989, on—

Audits, examinations and inspections carried out under the provisions of the Audit Act and other Acts; and

An efficiency audit of the Department of Transport and Communications: Commonwealth road funding programs—The national highway;

- (2) the reports be printed; and

- (3) the report upon an efficiency audit of the Department of Transport and Communications: Commonwealth road funding programs—The national highway, be referred to the Standing Committee on Transport, Communications and Infrastructure.

Question—put and passed.

19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—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 adverse impact of continued high interest rates and high inflation on living standards flowing from the Treasurer's economic statement".

The proposed discussion having received the necessary support—

Mr Peacock addressed the House.

Discussion ensued.

Discussion concluded.

20 PUBLICATIONS COMMITTEE—13TH REPORT: Mr Jenkins (Chairman) presented the 13th Report from the Publications Committee (sitting in conference with the Publications Committee of the Senate). The report is as follows:

13TH REPORT

The Publications Committee has the honour to report that it has met in conference with the Publications Committee of the Senate.

The joint committee, having considered petitions and papers presented to the Parliament since 9 March 1989, recommends that the following be printed:

Advance Australia Logo Protection Act—Advance Australia Foundation—Report for 1987-88.

Allegations as to the administration of Aboriginal affairs—Interim report of inquiry by Mr A. C. C. Menzies, dated April 1989.

Audit Act—Aboriginals Benefit Trust Account—Report for 1987-88.

Australia-Japan Foundation Act—Australia-Japan Foundation—Report for 1987-88.

- Australian Bicentennial Road Development Trust Fund—Australian Bicentennial Road Development Program—Report for 1987-88.
- Australian Institute of Sport Act—Australian Institute of Sport—Report for 1987-88.
- Australian Science and Technology Council Act—Australian Science and Technology Council—Report—Health, Politics, Trade: Controlling chemical residues in agricultural products.
- Australian Security Intelligence Organization—Report for 1987-88.
- Australia's population trends and prospects 1988—Report, including special topic: Australia's State capital cities.
- Broadcasting Act—Special Broadcasting Service—Report for 1987-88.
- Coal Industry Act—Joint Coal Board—Report for 1987-88.
- Commonwealth criminal law—Review—Interim reports—
Computer crime, dated November 1988.
Detention before charge, dated March 1989.
- Commonwealth Grants Commission Act—Commonwealth Grants Commission—
Report on general revenue grant relativities 1989 update.
- Companies Act—Accounting Standards Review Board—Report for 1987-88.
- Complaints (Australian Federal Police) Act—Federal Police Disciplinary Tribunal—Report for 1987-88.
- Conciliation and Arbitration Act—
Arbitration Inspectorate—Report for 1987-88.
President of the Australian Conciliation and Arbitration Commission—Report for year ended 13 August 1988.
- Department of Finance—Reports—
Certain staff classification matters in the Department of Aboriginal Affairs, dated March 1989.
Financial management of the Aboriginal Development Commission, dated March 1989.
- Film Censorship Board and Films Board of Review—Reports for 1987.
- Fishing Industry Act—Report for 1987-88.
- Industries Assistance Commission—Report—Food processing and beverages industries—Interim report on Government regulation of packaging and labelling, dated 24 February 1989.
- Inter-State Commission Act—Inter-State Commission—Report—Waterfront investigation: Conclusions and recommendations, dated March 1989—
Volume 1.
Volume 2—Appendices.
- Law Reform Commission Act—Law Reform Commission—Report No. 47—
Community law reform in the Australian Capital Territory: 3rd Report—
Enduring powers of attorney.
- Members' Interests—House of Representatives Standing Committee—Report on operations of the committee for 1988.
- National Crime Authority Act—National Crime Authority—Report for 1987-88.
- National Energy Research, Development and Demonstration Council—Report, including a report on the operations of the Coal Research Assistance Act, for 1987-88.
- National Library Act—National Library of Australia—Report for 1987-88.
- National Occupational Health and Safety Commission Act—National Occupational Health and Safety Commission—Report for 1987-88.
- Overseas Professional Qualifications—Council—Report for 1987-88.
- Pharmaceutical Benefits Pricing Authority—Report for period 1 January to 30 June 1988.
- Public Service Act—
Department of Industrial Relations—Report for 1987-88.
Department of the Treasury—Report for 1987-88.
Royal Australian Mint—Report for 1987-88.

Public Service Commission—Reports on allegations about personnel management in the Department of Aboriginal Affairs, dated March 1989.

Remuneration Tribunals Act—Remuneration Tribunal—Report for 1987-88.

Rural Industries Research Act—Wheat Research Council—Report for 1987-88.

Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Report for 1987-88.

Textiles, Clothing and Footwear Development Authority Act—Textiles, Clothing and Footwear Development Authority—Report for period 5 May to 30 June 1988.

Torres Strait Fisheries Act—Protected Zone Joint Authority—Report 1987-88.

Trade Union Training Authority Act—Australian Trade Union Training Authority—Report for 1987-88—Corrigenda.

H. A. JENKINS
Chairman

13 April 1989

Mr Jenkins, by leave, moved—That the report be agreed to.

Question—put and passed.

- 21 **PUBLIC WORKS COMMITTEE—REPORTS—STATEMENTS BY MEMBERS:** Mr Hollis (Chairman) presented the following reports from the Parliamentary Standing Committee on Public Works:

Report relating to the redevelopment of army logistics and training complex, stage 1, Bandiana, Vic. (7th report of 1989).

Report relating to the upgrade of Navy living-in accommodation at HMAS *Cerberus*, Crib Point, Vic. (8th report of 1989).

Report relating to the development of RAAF Base, Wagga Wagga, NSW (9th report of 1989).

Severally ordered to be printed.

Mr Hollis, Mr T. A. Fischer, Mr Fife and Mr E. C. Cameron, by leave, made statements in connection with the reports.

- 22 **MESSAGE FROM THE SENATE—INTERNATIONAL ARBITRATION AMENDMENT BILL 1988:** The following message from the Senate was reported:

Message No. 330

Madam Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Arbitration (Foreign Awards and Agreements) Act 1974'*", 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, 12 April 1989

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

- 23 **MESSAGE FROM THE SENATE:** Message No. 331, dated 12 April 1989, from the Senate was reported acquainting the House that it had referred the following matter to the Joint Committee on Foreign Affairs, Defence and Trade for inquiry and report:

The operations of the National Safety Council of Australia (NSCA) (Victorian Division) including:

(a) the relationship between the NSCA and the Department of Defence, including—

(i) contracts the NSCA held with the Department,

(ii) access of NSCA employees to defence force bases,

- (iii) contact between the NSCA, departmental officials and defence force personnel,
- (iv) security checks and clearances for NSCA personnel;
- (b) the relationship between the NSCA (Victorian Division) and any other Federal Government Department, authority or organisation insofar as such relationship involves activities undertaken by the NSCA which have a bearing on Australian security, defence and foreign affairs.

- 24 AUSTRALIAN TELECOMMUNICATIONS CORPORATION BILL 1989:** Mr Willis (Minister for Transport and Communications), for Mrs Kelly (Minister for Telecommunications and Aviation Support), pursuant to notice, presented a Bill for an Act relating to the Australian Telecommunications Corporation.
- Bill read a first time.
- Mr Willis moved—That the Bill be now read a second time.
- Paper:* Mr Willis presented an explanatory memorandum to the Bill.
- Debate adjourned (Mr Braithwaite), and the resumption of the debate made an order of the day for the next sitting.
- 25 AUSTRALIAN POSTAL CORPORATION BILL 1989:** Mr Willis (Minister for Transport and Communications), pursuant to notice, presented a Bill for an Act relating to the Australian Postal Corporation.
- Bill read a first time.
- Mr Willis moved—That the Bill be now read a second time.
- Paper:* Mr Willis presented an explanatory memorandum to the Bill.
- Debate adjourned (Mr Braithwaite), and the resumption of the debate made an order of the day for the next sitting.
- 26 TELECOMMUNICATIONS AND POSTAL SERVICES (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1989:** Mr Willis (Minister for Transport and Communications), pursuant to notice, presented a Bill for an Act to enact certain transitional provisions, make certain amendments, and effect certain repeals, in consequence of the enactment of the *Telecommunications Act 1989*, the *Australian Postal Corporation Act 1989* and the *Australian Telecommunications Corporation Act 1989*, and for other purposes.
- Bill read a first time.
- Mr Willis moved—That the Bill be now read a second time.
- Paper:* Mr Willis presented an explanatory memorandum to the Bill.
- Debate adjourned (Mr Braithwaite), and the resumption of the debate made an order of the day for the next sitting.
- 27 WHEAT MARKETING BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act relating to the marketing of wheat, and for other purposes.
- Bill read a first time.
- Mr Kerin moved—That the Bill be now read a second time.
- Paper:* Mr Kerin presented an explanatory memorandum to the Bill.
- Debate adjourned (Mr T. A. Fischer), and the resumption of the debate made an order of the day for the next sitting.
- 28 WHEAT INDUSTRY FUND LEVY BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to impose a levy on wheat produced in Australia.
- Bill read a first time.
- Mr Kerin moved—That the Bill be now read a second time.
- Paper:* Mr Kerin presented an explanatory memorandum to the following Bills:
- Wheat Industry Fund Levy 1989.
 - Wheat Industry Fund Levy Collection 1989.
 - Wheat (Termination of Tax) (No. 1) 1989.
 - Wheat (Termination of Tax) (No. 2) 1989.

Wheat (Termination of Permit Tax) 1989.

Wheat Tax (Permit) Collection Amendment 1989.

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 29 **WHEAT INDUSTRY FUND LEVY COLLECTION BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act relating to the collection of levy imposed by the *Wheat Industry Fund Levy Act 1989*.

Bill read a first time.

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 30 **WHEAT (TERMINATION OF TAX) BILL (NO. 1) 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Wheat Tax Act 1957*.

Bill read a first time.

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 31 **WHEAT (TERMINATION OF TAX) BILL (NO. 2) 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Wheat Tax Act 1979*.

Bill read a first time.

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 32 **WHEAT (TERMINATION OF PERMIT TAX) BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Wheat Tax (Permit) Act 1984*.

Bill read a first time.

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 33 **WHEAT TAX (PERMIT) COLLECTION AMENDMENT BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Wheat Tax (Permit) Collection Act 1984*.

Bill read a first time.

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 34 **TELECOMMUNICATIONS BILL 1989:** Mrs Kelly (Minister for Telecommunications and Aviation Support), for Mr Willis (Minister for Transport and Communications), pursuant to notice, presented a Bill for an Act relating to telecommunications, and for related purposes.

Bill read a first time.

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

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

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

- 35 **TELECOMMUNICATIONS (APPLICATION FEES) BILL 1989:** Mrs Kelly (Minister for Telecommunications and Aviation Support) presented a Bill for an Act to provide for the payment of fees in respect of applications made under the *Telecommunications Act 1989*.

Bill read a first time.

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

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

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

- 36 **CSIRO LABORATORIES, STAGE 1, NORTH RYDE, NSW—REDEVELOPMENT—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 or. which the committee has duly reported to Parliament: CSIRO North Ryde Laboratories, site redevelopment, stage 1.

Question—put and passed.

- 37 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—FACILITIES FOR 2ND CAVALRY REGIMENT, DARWIN—CONSTRUCTION:** 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: Construction of facilities for 2nd Cavalry Regiment, Darwin.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

- 38 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—COMMONWEALTH OFFICES IN LOGAN CITY, QLD—CONSTRUCTION:** 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: Construction of Commonwealth offices in Logan City, Qld.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

- 39 **SELECTION COMMITTEE—REPORT:** Mr McLeay (Chairman) presented the report of the Selection Committee relating to the program of business prior to 12.30 p.m. on Thursday, 4 May 1989.

- 40 **CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 2) 1987—SENATE'S AMENDMENTS:** The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 1, clause 2, lines 7 to 11, leave out the clause, insert the following clause:

Commencement

“2. This Act commences on 1 July 1989.”

No. 2—Page 2, paragraph 4 (c), proposed definition of “Magistrate”, line 38, leave out the definition.

No. 3—Page 3, clause 6, proposed subsection 39 (1A), line 18, after “time”, insert “within 5 years”.

No. 4—Pages 3 and 4, clauses 7 to 11, line 27 (page 3) to line 27 (page 4), leave out the clauses.

- No. 5—Page 5, clause 12, proposed subsection 154 (1), definition of “Australian inland freight”, subparagraph (a) (i), line 3, leave out “, storage or handling”.
- No. 6—Page 5, clause 12, proposed definition of “Australian inland freight”, subparagraph (a) (ii), line 6, leave out “the matters”, insert “the transportation”.
- No. 7—Page 5, clause 12, proposed definition of “Australian inland insurance”, paragraph (a), line 39, leave out “, storage or handling”.
- No. 8—Page 8, clause 12, proposed definition of “foreign inland freight”, subparagraph (a) (i), line 1, leave out “, storage or handling”.
- No. 9—Page 8, clause 12, proposed definition of “foreign inland freight”, subparagraph (a) (ii), line 7, leave out “the matters”, insert “the transportation”.
- No. 10—Page 8, clause 12, proposed definition of “foreign inland insurance”, paragraph (a), line 40, leave out “, storage or handling”.
- No. 11—Page 13, clause 12, proposed definition of “price”, paragraph (e), lines 16 to 22, leave out the paragraph.
- No. 12—Page 14, clause 12, proposed definition of “price related costs”, subparagraph (e) (iii), leave out the subparagraph, insert the following subparagraphs:
- “(iii) that are merely for the right to reproduce the imported goods within Australia; or
 - (iv) that are payable for the assembly, erection, construction or maintenance of imported goods after their importation into Australia or for any technical assistance in respect of the goods after their importation; and”.
- No. 13—Page 15, clause 12, proposed definition of “purchaser’s subsidiary costs”, line 17, leave out “or subsidiary services”, insert “, or subsidiary services, supplied, directly or indirectly, by the purchaser free of charge or at a reduced price”.
- No. 14—Page 18, clause 12, proposed definition of “transportation”, line 21, at end of definition, add “and storage or handling incidental to transportation”.
- No. 15—Page 19, clause 12, proposed subsection 154 (2), line 21, leave out “Act”, insert “Division”.
- No. 16—Page 20, clause 12, proposed paragraph 154 (3) (f), lines 4 and 5, leave out the paragraph.
- No. 17—Page 20, clause 12, proposed subsection 154 (6), lines 15 to 18, leave out the subsection.
- No. 18—Page 21, clause 12, proposed paragraph 155 (2) (e), lines 7 to 11, leave out the paragraph, insert the following paragraph:
- “(e) in relation to any of the goods referred to in subparagraph (a) (i) or any of the services referred to in subparagraph (b) (i):
 - (i) act as an agent for, or in any other way represent, the producer, supplier or vendor of the goods or services; or
 - (ii) otherwise be associated with any such person except as the agent of the purchaser; or”.
- No. 19—Page 24, clause 12, proposed paragraph 158 (e), lines 20 to 23, leave out “by or on behalf of the purchaser by law because of the sale for exportation to that foreign country or the sale for importation into that foreign country of that production material or production tooling or those work goods or subsidiary goods or because”, insert “in consequence of the importation of that production tooling or those work goods or subsidiary goods or in consequence”.
- No. 20—Pages 24 and 25, clause 12, proposed section 159, line 25 (page 24) to line 31 (page 25), leave out the section.
- No. 21—Page 25, clause 12, proposed subsection 160 (1), line 35, at end of subsection, add “and the Collector shall determine that customs value in accordance with this section”.
- No. 22—Page 37, clause 12, proposed paragraph 161J (2) (a), lines 41 and 42, leave out “, as a result of inquiries undertaken by reason of a notification under subsection 159 (4) or for any other reason,”.

No. 23—Page 39, clause 12, proposed subsection 161J (4), lines 1 to 20, leave out the subsection, insert the following subsection:

“(4) Where, in relation to goods required to be valued, a Collector is of the opinion that the price at which the goods were sold in their import sales transaction is different from the price at which goods that are identical goods or similar goods to the first-mentioned goods would normally be sold in an import sales transaction similar to the first-mentioned import sales transaction, the Collector shall, by notice in writing served, personally or by post, on the purchaser:

- (a) advise the purchaser of the Collector’s opinion; and
- (b) require the purchaser to satisfy the Collector, within the period specified in the notice, not being a period of less than 28 days, that the price difference was not designed to obtain a reduction of, or to avoid duty.”.

No. 24—Pages 39 and 40, clause 12, proposed subsection 161J (6), line 26 (page 39) to line 4 (page 40), leave out the subsection, insert the following subsection:

“(6) Where, in relation to services provided in respect of goods required to be valued, a Collector is of the opinion that the services were provided in relation to the goods under the terms of their import sales transaction at a price different from the price normally paid for the provision of identical or similar services in relation to goods that are identical goods or similar goods to the first-mentioned goods, sold in an import sales transaction similar to the first-mentioned import sales transaction, the Collector shall, by notice in writing served, personally or by post, on the purchaser:

- (a) advise the purchaser of the Collector’s opinion; and
- (b) require the purchaser to satisfy the Collector, within the period specified in the notice, not being a period of less than 28 days, that the price difference was not designed to obtain a reduction of, or to avoid duty.”.

No. 25—Page 41, clause 12, proposed subsection 161L (2), lines 24 to 27, leave out “in writing, his or her acceptance of an estimate of the Customs value of the goods, whether that estimate appears on the entry in respect of those goods, on a statement furnished under subsection 159 (1) concerning those goods”, insert “in a manner prescribed by the regulations, his or her acceptance of an estimate of the value of the goods, whether that estimate appears on the entry in respect of those goods”.

No. 26—Page 43, clause 14, lines 4 to 15, leave out the clause.

No. 27—Pages 43 to 45, clauses 15 to 21, line 16 (page 43) to line 6 (page 45), leave out the clauses.

No. 28—Page 45, clause 22, proposed subsection 214AB (1), line 39, leave out “functions”, insert “powers”.

No. 29—Page 46, clause 22, proposed subsection 214AB (2), line 7, leave out “functions”, insert “powers”.

No. 30—Page 46, clause 22, after proposed paragraph 214AB (3) (a), line 13, add “and”.

No. 31—Page 46, clause 22, proposed paragraph 214AB (3) (b), lines 14 and 15, leave out the paragraph.

No. 32—Page 46, clause 22, proposed paragraph 214AB (3) (c), line 17, leave out “functions”, insert “powers”.

No. 33—Page 46, clause 22, proposed subsection 214AB (3), line 23, leave out “functions”, insert “powers”.

No. 34—Page 46, clause 22, proposed subsection 214AB (5), line 32, leave out “functions”, insert “powers”.

No. 35—Page 46, clause 22, proposed subsection 214AB (7), line 38, leave out “functions”, insert “powers”.

No. 36—Page 47, clause 22, after proposed section 214AB, add the following section:

Warrants may be granted by telephone etc.

“214AC. (1) Where, by reason of circumstances of urgency, the Comptroller or a Collector considers it necessary to do so, he or she may make an application for a warrant under subsection 214AB (2) by radio, telephone or other means of communication, in accordance with this section.

‘(2) Before so making application, the Comptroller or a Collector shall prepare an information of a kind referred to in subsection 214AB (3) that sets out the grounds on which the issue of the warrant is being sought, but may, if it is necessary to do so, make the application before the information has been sworn.

‘(3) Where a Magistrate to whom an application under subsection (1) is made is satisfied:

- (a) after having considered the terms of the information prepared in accordance with subsection (2); and
- (b) after having received such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought;

that there are reasonable grounds for issuing the warrant, the Magistrate shall complete and sign such a search warrant as the Magistrate would issue under section 214AB if the application had been made in accordance with that section.

‘(4) Where a Magistrate signs a warrant under subsection (3):

- (a) the Magistrate shall inform the Comptroller or a Collector of the terms of the warrant and the date on which and the time at which it was signed, and record on the warrant the reasons for the granting of the warrant; and
- (b) the Comptroller or a Collector shall complete a form of warrant in the terms furnished to him or her by the Magistrate and write on it:
 - (i) the name of the Magistrate;
 - (ii) the date on which and the time at which the warrant was signed; and
 - (iii) particulars of a means of communication with the Magistrate nominated by the Magistrate for purposes of verifying the issue of the warrant.

‘(5) Where the Comptroller or a Collector completes a form of warrant in accordance with subsection (4), he or she shall, not later than the day next following the last day on which the warrant has effect, forward to the Magistrate who signed the warrant the form of warrant completed by the Comptroller or a Collector and the information duly sworn in connection with the warrant.

‘(6) Upon receipt of the documents referred to in subsection (5), the Magistrate shall attach to them the warrant signed by the Magistrate and deal with the documents in the manner in which the Magistrate would have dealt with the information if the application for the warrant had been made in accordance with section 214AB.

‘(7) A form of warrant duly completed by the Comptroller or a Collector in accordance with subsection (4) is, if it is in accordance with the terms of the warrant signed by the Magistrate, authority for any entry of an authorised officer of premises specified in the warrant, and for the exercise by the authorised officer of the powers of an authorised officer as set out in subsection 214AB (7) in relation to those premises.

‘(8) An authorised officer who has entered premises under authority of a warrant issued under this section shall, upon request of a person occupying, or apparently in charge of, the premises, produce a form of the warrant that authorised that entry, duly completed by the Comptroller or a Collector in accordance with subsection (4), for inspection by that person.

‘(9) Where it is material, in any proceedings, for a court to be satisfied that an entry of premises or the exercise of the powers of an authorised officer within the meaning of subsection 214AB (7) was authorised in accordance with this section, and the warrant signed by a Magistrate in accordance with this

section authorising the entry or exercise of those powers is not produced in evidence, the court shall assume, unless the contrary is proved, that the entry or exercise of those powers was not authorised by such a warrant.’”.

No. 37—Pages 47 and 48, clauses 23 and 24, line 4 (page 47) to line 24 (page 48), leave out the clauses.

No. 38—Page 48, clause 25, proposed subsection 240 (1), lines 28 to 38, leave out the subsection, insert the following subsections:

“(1) A person who imports goods into Australia shall keep all the relevant commercial documents relating to the goods that came into the person’s possession or control before, or come into that person’s possession or control on or after, the entry of those goods for any purpose, being documents that are necessary to enable a Collector to ascertain whether the goods are properly described and, in the case of goods that are entered for home consumption, properly valued or rated for duty until:

(a) if the goods are not ultimately entered for home consumption—the goods cease to be subject to the control of Customs; and

(b) if the goods are entered, or ultimately entered, for home consumption—the expiration of the period of 5 years after the goods are so entered.

Penalty: \$2,000.

‘(1A) Where, in accordance with the requirement of any law of the Commonwealth or of a State or Territory or with ordinary commercial practice a document that would, but for this subsection, be required to be kept in accordance with subsection (1), is required by that law or practice to be surrendered to another person, this section shall be taken to be complied with if, at all times after the document is so surrendered and during the period that the document would have been required to be kept, a true copy of the document, certified in accordance with subsection (1B), is kept in its stead.

‘(1B) Where a person is required to surrender a commercial document referred to in subsection (1) to another person for a reason set out in subsection (1A), the first-mentioned person may make a true copy of the document and, if the first-mentioned person does so, and attaches to the copy a certificate, signed by the first-mentioned person:

(a) to the effect:

(i) that the copy is a true copy of the original document; and

(ii) that the original document has been surrendered to that other person for that reason; and

(b) providing particulars of the reason referred to in subparagraph (a) (ii); the certified copy shall be treated by the Comptroller or a Collector, and shall be admissible in all courts, as if it were the original document.’”.

No. 39—Page 49, clause 25, proposed paragraph 240 (2) (c), line 5, before “shall”, insert “subject to subsection (2A),”.

No. 40—Page 49, clause 25, after proposed subsection 240 (2), insert the following new subsection:

“(2A) Nothing in paragraph (2) (c) shall be taken to prohibit the notation or marking of a document in accordance with ordinary commercial practice.’”.

No. 41—Pages 49 to 51, clauses 26 to 28, line 23 (page 49) to line 24 (page 51), leave out the clauses.

No. 42—Page 51, clause 29, proposed paragraph 273GA (h), line 28, leave out “161K (4)”, insert “161K (2)”.

No. 43—Page 51, clause 30, lines 34 to 36, leave out “the day on which this Act receives the Royal Assent continue to apply in respect of the valuation of goods that are entered under section 36 of the *Customs Act 1901* before 1 January 1988”, insert “1 July 1989 continue to apply in respect of the valuation of goods that are entered under section 36 of the *Customs Act 1901* before that date”.

No. 44—Page 52, Part III, lines 1 to 21, leave out the Part.

No. 45—Page 53, clause 36, lines 5 to 7, leave out the clause.

Mr Jones (Minister for Science, Customs and Small Business) moved—That the amendments be agreed to.

Debate ensued.

Progress to be reported, and leave asked to sit again.

The House resumed; Mr McLeay reported accordingly.

Ordered—That the House will, at a later hour this day, again resolve itself into the said committee.

- 41 **POSTPONEMENT OF ORDERS OF THE DAY:** Ordered—That orders of the day Nos. 3 to 6, government business, be postponed until a later hour this day.
- 42 **ECONOMIC STATEMENT, APRIL 1989—MINISTERIAL STATEMENT AND PAPER—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 Keating (Treasurer)—That the House take note of the papers (*presented on 12 April 1989*), viz.—
Economic statement, April 1989—
Statement.
Taxation of foreign source income—An information paper—
Debate resumed.
Debate adjourned (Mr Beazley—Leader of the House), and the resumption of the debate made an order of the day for the next sitting.
- 43 **CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 2) 1987—SENATE'S AMENDMENTS:** The House, according to order, again resolved itself into a committee of the whole for the further consideration of the amendments made by the Senate (*see entry No. 40*).

In the committee

Debate resumed on the motion of Mr Jones (Minister for Science, Customs and Small Business)—That the amendments be agreed to.

Paper: Mr Jones presented a replacement explanatory memorandum to the Bill.

Amendments agreed to.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

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

- 44 **CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL 1988—SENATE'S AMENDMENTS:** The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 1, subclause 2 (4), line 13, leave out the subclause.

No. 2—Page 2, subclause 2 (6), line 2, leave out "Paragraph", insert "Sections 19, 21, 23, 23A and 27A, paragraph".

No. 3—Page 2, paragraph 4 (a), lines 13 to 28, leave out the paragraph.

No. 4—Page 2, subclause 5 (1), proposed subsection 9 (1), line 35, leave out "any person", insert "an officer of Customs".

No. 5—Page 3, paragraph 8 (1) (b), proposed subsection 112 (2AB), line 27, after "subregulation 13B (1)", insert "or 13E (1)".

No. 6—Page 6, paragraph 11 (b), proposed subsection 151 (12A), line 7, after "Christmas Island," insert "to Cocos (Keeling) Islands and to Norfolk Island,".

No. 7—Page 6, clause 14, proposed subsection 183CJ (1), line 31, leave out "one month", insert "2 months".

No. 8—Pages 7 and 8, clause 19, line 24 (page 7) to line 22 (page 8), leave out the clause, insert the following clause:

Power to impound certain forfeited goods and release them on payment of duty and penalty

“19. Section 209 of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘(i),’;
- (b) by omitting paragraphs (a) and (b) from subsection (6) and substituting the following paragraphs:

‘(a) where the notice states that the goods were impounded under subsection (2)—an amount specified in the notice, being an amount equal to the amount of that duty that, in the opinion of the officer issuing the notice, the owner has sought to evade; or

(b) where the notice states that the goods were impounded under subsection (3A)—an amount specified in the notice, being an amount equal to twice the amount of that duty that, in the opinion of the officer issuing the notice, the owner has sought to evade;’.”

No. 9—Page 8, paragraph 20 (c), proposed subsection 228 (2), line 29, before “length”, insert “overall”.

No. 10—Page 8, clause 21, lines 37 to 41, leave out all words after “paragraph (1) (i)”.

No. 11—Pages 9 and 10, clause 23, line 33 (page 9) to line 12 (page 10), leave out the clause, insert the following clauses:

Customs offences

“23. Section 234 of the Principal Act is amended:

- (a) by omitting paragraphs (1) (d), (e) and (f) and substituting the following paragraph:

‘(d) knowingly or recklessly:

(i) make a statement to an officer that is false or misleading in a material particular; or

(ii) omit from a statement made to an officer any matter or thing without which the statement is misleading in a material particular;’;

- (b) by omitting paragraph (2) (c) and substituting the following paragraph:

‘(c) subject to subsection (3), in the case of an offence against paragraph (1) (d), by a penalty not exceeding \$5,000; or’;

- (c) by adding at the end the following subsection:

‘(3) Where a person is convicted of an offence against paragraph (1) (d) in relation to a statement made, or an omission from a statement made, in respect of the amount of duty payable on particular goods, a Court may, in relation to that offence, impose a penalty not exceeding the sum of \$5,000 and twice the amount of the duty payable on those goods.’.

“23A. After Division 3 of Part XIII of the Principal Act the following Division is inserted:

Division 4—Penalty for making false statements etc.

Penalty for making false statements etc.

‘243T. (1) Subject to section 243V, where:

- (a) a person, whether knowingly, recklessly or otherwise:

(i) makes a statement to an officer that is false or misleading in a material particular; or

(ii) omits from a statement made to an officer any matter or thing without which the statement is misleading in a material particular; and

- (b) the amount of duty properly payable on particular goods exceeds the amount of duty that would have been payable on those goods if the

amount were determined on the basis that the statement was not false or misleading;

the Comptroller may within 12 months after the statement was made, by notice in writing, require the owner of the goods (not being a person who is to be treated as the owner of the goods by reason of being an agent of the owner) to pay, within a period of 90 days after service of the notice, a penalty equal to twice the amount of the excess, or a penalty of \$20, whichever is the greater.

'(2) The notice may be served on the owner of the goods or on the agent of the owner.

'(3) If an amount required to be paid in accordance with subsection (1) within a period of 90 days is not so paid it becomes, upon the expiration of that period, a debt due to the Commonwealth and may be recovered in a court of competent jurisdiction.

'(4) Where a person in respect of whom a demand for payment of penalty in respect of particular goods has been made under subsection (1) makes application under subsection 273GA (2) for review of the decision as to the amount of duty payable on those goods:

- (a) the period commencing on the making of that application and ending on the final determination of the amount of duty by the Administrative Appeals Tribunal or by a Court on appeal from the Tribunal shall not be taken into account in computing the period of 90 days referred to in subsections (1) and (3); and
- (b) if it is determined, or ultimately determined, that the duty, or any part of the duty, demanded in respect of those goods is not payable, the demand for penalty shall thereupon be treated as if it were, and had always been, a demand for such amount, if any, as would be appropriate under subsection (1) having regard to that determination of the Tribunal or Court.

'(5) Where the Comptroller serves a notice under subsection (2) in relation to a statement made, or an omission from a statement made, by a person, proceedings shall not be instituted under section 234 against that person in relation to that statement or omission.

Remission of penalty

'243U. (1) Where a penalty is payable under section 243T as a result of a statement, or an omission from a statement, the Comptroller may, on the basis of a written application made to the Comptroller within 30 days after the Comptroller served the notice under subsection 243T (2) in relation to the statement or the omission from the statement, by the person liable to pay the penalty, remit the whole or any part of that penalty.

'(2) Within 30 days after receiving an application for remission of penalty the Comptroller shall inform the applicant of the Comptroller's decision in relation to the application.

'(3) Where the Comptroller fails to inform the applicant of the decision within 30 days after receiving the application, the Comptroller shall, for the purposes of section 273GA, be taken to have decided not to remit penalty.

'(4) In considering an application under subsection (1) to remit the whole or a part of a penalty payable in respect of a statement or an omission from a statement, being a statement or omission made by the applicant or by an agent of the applicant, the Comptroller shall have regard only to the following matters:

- (a) whether the applicant or the applicant's agent, as the case requires, had voluntarily admitted that the statement was, or was as a result of the omission, false or misleading;
- (b) the risk to the revenue occasioned by such a statement or omission;
- (c) the capacity of the applicant or of the applicant's agent, as the case requires, to avoid making such a statement or omission and the extent to which that capacity was exercised;

- (d) the history of the applicant or of the applicant's agent, as the case requires, in relation to the making of statements or omissions giving rise to convictions under paragraph 234 (1) (d) or to liability for penalty under section 243T.

'(5) Where a decision of the Administrative Appeals Tribunal on an application under subsection 273GA (2) or of a Court on an appeal from such a decision will result in a lesser amount of duty being payable in respect of imported goods than the amount demanded by a Collector, or in no duty being payable in respect of those goods, the Comptroller shall remit any penalty paid under section 243T in respect of those goods to the extent necessary to give effect to that decision of the Tribunal or Court.

Section 243T not to apply in certain cases

'243V. (1) Where the owner of goods or the agent of the owner is uncertain whether particular information included in a statement made in respect of those goods might be regarded as false or misleading in a material particular, that owner or agent may, by writing included in the statement, nominate that information as information of which the owner or agent is uncertain and set out the reasons for that uncertainty, and, where the owner or agent does so, no penalty shall be imposed under section 243T in relation to that information.

'(2) Where the owner of goods or the agent of the owner is uncertain whether, by reason of the omission of particular information from a statement made in respect of those goods, that statement might be regarded as misleading in a material particular, that owner or agent may, by writing included in the statement, specify the information that has been omitted and set out the reasons for uncertainty concerning the effect of its omission, and, where the owner or agent does so, no penalty shall be imposed under section 243T in relation to that omission.'

No. 12—Page 11, after clause 27, add the following new clause in Part II:

Review of decisions

"27A. Section 273GA of the Principal Act is amended by inserting after paragraph (k) the following paragraph:

- '(ka) a decision of the Comptroller under subsection 243U (1);
 (i) not to remit a penalty payable under section 243T in respect of duty payable on goods; or
 (ii) to remit part only of such a penalty;'

No. 13—Page 11, paragraph 29 (a), lines 21 to 36, leave out the paragraph.

No. 14—Pages 14 and 15, clause 39, line 32 (page 14) to line 12 (page 15), leave out the clause, insert the following clause:

Offences

"39. Section 120 of the Principal Act is amended:

- (a) by omitting paragraphs (1) (vi), (vii) and (viii) and substituting the following paragraph:

'(vi) knowingly or recklessly:

- (A) make a statement to an officer that is false or misleading in a material particular; or
 (B) omit from a statement made to an officer any matter or thing without which the statement is misleading in a material particular;'

- (b) by omitting paragraph (2) (d) and substituting the following paragraph:

'(d) subject to subsection (3), in the case of an offence against paragraph (1) (vi), by a penalty not exceeding \$5,000;'

- (c) by adding at the end the following subsection:

'(3) Where a person is convicted of an offence against paragraph (1) (vi) in relation to a statement made, or an omission from a statement made, in respect of the amount of duty payable on particular goods, a Court may, in relation to that offence, impose

a penalty not exceeding the sum of \$5,000 and twice the amount of the duty payable on those goods.’.”

Mr Jones (Minister for Science, Customs and Small Business) moved—That the amendments be agreed to.

Mr Downer moved, as an amendment—That amendment No. 11 be amended by omitting from proposed new clause 23A—

“243T. (1) Subject to section 243V, where:

(a) a person, whether knowingly, recklessly or otherwise:”
and substituting—

“243T. (1) Subject to section 243V, where:

(a) a person, whether knowingly or recklessly:”

Debate continued.

Paper: Mr Jones presented a replacement explanatory memorandum to the Bill.

Question—That the amendment to Senate amendment No. 11 be agreed to—put and negatived.

Question—That the amendments (made by the Senate) be agreed to—put and passed.

Resolution to be reported.

The House resumed; Mr Ruddock reported accordingly.

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

- 45 CUSTOMS TARIFF AMENDMENT BILL (NO. 3) 1988—SENATE'S REQUESTS: The House, according to order, resolved itself into a committee of the whole to consider the amendments requested by the Senate.

In the committee

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

No. 1—Page 2, after subclause 2 (9), add the following new subclause:

“(10) Section 11 commences 7 days after the day on which this Act receives the Royal Assent.”.

No. 2—Page 2, after clause 10, add the following new clause:

Amendments of Schedule 3 having effect 7 days after Royal Assent

“11. The Principal Act is amended as set out in Schedule 8.”.

No. 3—Pages 17 and 18, Schedule 3, leave out amendments Nos. 68 and 70.

No. 4—Pages 18 and 19, Schedule 3, leave out amendment No. 71, insert the following amendment:

“71. Omit 1703 and 1704, substitute:

1703	MOLASSES RESULTING FROM THE EXTRACTION OR REFINING OF SUGAR:	
1703.10.00	- Cane molasses	Free
1703.90.00	- Other	Free
1704	- SUGAR CONFECTIONERY (INCLUDING WHITE CHOCOLATE), NOT CONTAINING COCOA:	
1704.10.00	- Chewing gum, whether or not sugar-coated	19%
		DC:14%
	From 1 July 1989	18%
		DC:13%
	From 1 July 1990	17%
		DC:12%
	From 1 July 1991	16%
		DC:11%
	From 1 July 1992	15%
		DC:10%

1704.90.00 - Other	19%
	DC:14%
From 1 July 1989	18%
	DC:13%
From 1 July 1990	17%
	DC:12%
From 1 July 1991	16%
	DC:11%
From 1 July 1992	15%
	DC:10%'. ”.

No. 5 - Page 375, Schedule 6, leave out amendment No. 2.

No. 6 - Page 488, after Schedule 7, add the following new Schedule:

“SCHEDULE 8 Section 11

AMENDMENT HAVING EFFECT 7 DAYS AFTER ROYAL ASSENT

Amendment of Schedule 3

Omit 4814.20.00, substitute:

4814.20.00 - Wallpaper and similar wall coverings,	15%
consisting of paper coated or covered,	DC:10%
on the face side, with a grained,	CAN:10%'. ”.
embossed, coloured, design-printed or	
otherwise decorated layer of plastics	

On the motion of Mr Jones (Minister for Science, Customs and Small Business), the requested amendments were made, after debate.

Resolution to be reported.

The House resumed; Mr Ruddock reported accordingly.

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

46 SUSPENSION OF STANDING AND SESSIONAL ORDERS—MOTION TO TAKE NOTE

OF PAPER: Mr Jones (Minister for Science, Customs and Small Business), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the order of the day for the resumption of debate on the motion to take note of the paper on Australia’s relations with the South Pacific, presented to the House earlier today by the Joint Committee on Foreign Affairs, Defence and Trade, being called on forthwith.

Question—put and passed.

47 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT COMMITTEE—REPORT—

PAPER NOTED: The order of the day having been read for the resumption of the debate on the motion of Mr Charles—That the House take note of the paper (*presented this day*), viz.:

Foreign Affairs, Defence and Trade—Joint Committee—Australia’s relations with the South Pacific—Report, dated April 1989—

Debate resumed.

Question—put and passed.

48 TRADE PRACTICES (INTERNATIONAL LINER CARGO SHIPPING) AMENDMENT

BILL 1989: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr Blunt, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House regrets the fact that the Government has failed to achieve micro-economic reform in the transport sector, a matter of such vital importance to the Australian economy”—

Debate resumed.

Amendment negatived.

Question—That the Bill be now read a second time—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 Willis (Minister for Transport and Communications), by leave, the following amendments were made together:

Clause 4—

Page 3, line 7, omit “an incorporated association”, substitute “a body corporate”.

Page 3, after the proposed definition of “authorised officer” insert the following definition:

“‘conference’ means an unincorporated association of 2 or more ocean carriers carrying on 2 or more businesses each of which includes, or is proposed to include, the provision of liner cargo shipping services;”.

Page 6, lines 13 to 16, omit proposed subsection (1), substitute the following subsection:

“(1) For the purposes of section 46, if the parties to a conference agreement together have a substantial degree of power in a market in which any party to the agreement provides international liner cargo shipping services under the agreement, each party to the conference agreement shall be taken to have a substantial degree of power in the market.”.

Page 41, at the end of proposed section 10.90 add the following subsection:

“(2) The regulations shall not fix fees exceeding:

- (a) in the case of an application for provisional registration of a conference agreement—\$300;
- (b) in the case of an application for final registration of a conference agreement—\$175;
- (c) in the case of an application for the registration of a person as an ocean carrier’s agent—\$20; and
- (d) in the case of an application to obtain a copy of, the whole or any part of, an entry in a register kept under this Part or a conference agreement file kept under this Part—\$40.”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

—

The House resumed; Mr McLeay reported accordingly.

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

- 49 **SNOWY MOUNTAINS ENGINEERING CORPORATION (CONVERSION INTO PUBLIC COMPANY) BILL 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Moore who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House is of the opinion that the Government should sell the Snowy Mountains Engineering Corporation to the private sector, with the first option to purchase being given to the Corporation’s employees”.

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

- 50 **ADJOURNMENT:** Mr Holding (Minister for the Arts and Territories) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Deputy Speaker adjourned the House until Tuesday, 2 May 1989, at 2 p.m.

PAPERS: The following papers were deemed to have been presented on 13 April 1989:
Acts Interpretation Act—Statement relating to failure to furnish periodic report within specified period—Australian Safeguards Office—Report for 1987-88.
Defence Act—
Defence Force Remuneration Tribunal—Determinations—1989—Nos. 7, 8, 9.
Determinations under section 58B—1989—
Nos. 22 and 23—Overseas Travelling Allowances and other allowances.
No. 24—Post Allowance.
No. 26—Revocation of Determinations 3725 and 3726.
No. 27—Assistance with Education Expenses.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr J. J. Brown, Mr Taylor and Mr Uren*.

* On leave

A. R. BROWNING
Clerk of the House of Representatives