

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 122

WEDNESDAY, 24 MAY 1989

1 The House met, at 9.15 a.m., pursuant to adjournment. The Acting Speaker (Mr McLeay) took the Chair, and read Prayers.

2 **CO-OPERATIVE SCHEME LEGISLATION 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—

Debate resumed.

*Limitation of debate:* At 9.40 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

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.

Mr Bowen (Attorney-General), by leave, moved the following amendments together:  
Clause 52—

Page 84, omit proposed subsection 59C (4), substitute the following subsections:

“(3A) The client is not entitled to give a notice under this section if, within a reasonable period before the agreement was entered into, the non-licensee informed the client (whether or not in writing) that:

- (a) the non-licensee did not hold a dealers licence; or
- (b) the non-licensee did not hold a dealers licence and did not hold an investment advisers licence;

as the case requires.

“(3B) If, at a time when a dealers licence or investment advisers licence held by the non-licensee was suspended, the non-licensee informed the client that the licence was suspended, the non-licensee is to be taken for the purposes of subsection (3A) to have informed the client at that time that the non-licensee did not hold a dealers licence or investment advisers licence, as the case may be.

“(3C) A reference in subsection (3A) or (3B) to a dealers licence or investment advisers licence is a reference to a dealers licence or investment advisers licence, as the case may be, granted under this Part or under the provisions of a law of a participating State or participating Territory that correspond with this Part.

“(4) None of subsections (2), (3) and (3A) limits the generality of either of the others.”.

Page 86, at the end of proposed section 59K add the following subsection:

“(2) The Commission may, if it considers that it is in the public interest to do so, bring an action under subsection (1) in the name of, and for the benefit of, the client.”.

Clause 75—

Page 126, lines 9 and 10, omit proposed subsection 77D (4), substitute the following subsections:

“(3A) The client is not entitled to give a notice under this section if, within a reasonable period before the agreement was entered into, the non-licensee informed the client (whether or not in writing) that:

- (a) the non-licensee did not hold a futures broker's licence; or
- (b) the non-licensee did not hold a futures broker's licence and did not hold a futures adviser's licence;

as the case requires.

“(3B) If, at a time when a futures broker's licence or futures adviser's licence held by the non-licensee was suspended, the non-licensee informed the client that the licence was suspended, the non-licensee is to be taken for the purposes of subsection (3A) to have informed the client at that time that the non-licensee did not hold a futures broker's licence or futures adviser's licence, as the case may be.

“(3C) A reference in subsection (3A) or (3B) to a futures broker's licence or futures adviser's licence is a reference to a futures broker's licence or futures adviser's licence, as the case may be, granted under this Part or under the provisions of a law of a participating State or participating Territory that correspond with this Part.

“(4) None of subsections (2), (3) and (3A) limits the generality of either of the others.”.

Page 128, at the end of proposed section 77L add the following subsection:

“(2) The Commission may, if it considers that it is in the public interest to do so, bring an action under subsection (1) in the name of, and for the benefit of, the client.”.

Debate continued.

*Limitation of debate:* At 9.50 a.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

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

Further question—That the Bill, as amended, be agreed to, and that the Bill be reported with amendments—put and passed.

The House resumed; Mr R. F. Edwards reported accordingly.

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

**3 COMPANIES (FEES: TAXATION COMPONENT) 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—

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

The House resolved itself into a committee of the whole.

*In the committee*

Bill, by leave, taken as a whole, and debated.

*Limitation of debate:* At 9.56 a.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the remaining stages of the Bill had expired—

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

The House resumed; Mr R. F. Edwards reported accordingly.

Question—That the report be adopted and the Bill be now read a third time—  
put and passed—Bill read a third time.

**4 COMPANIES (ACQUISITION OF SHARES—FEES: TAXATION COMPONENT) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Bowen (Attorney-General), the Bill was read a third time.

**5 SECURITIES INDUSTRY (FEES: TAXATION COMPONENT) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Bowen (Attorney-General), the Bill was read a third time.

**6 FUTURES INDUSTRY (FEES: TAXATION COMPONENT) 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—

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

Leave granted for third reading to be moved forthwith.

Mr Bowen (Attorney-General) moved—That the Bill be now read a third time.

Debate ensued.

*Limitation of debate:* At 10.05 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages had expired—

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

**7 TAXATION LAWS AMENDMENT BILL (NO. 3) 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.

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

The House resolved itself into a committee of the whole.

*In the committee*

Bill, by leave, taken as a whole.

Dr Hewson, by leave, moved the following amendments together:

Clause 28—

Pages 10 and 11, omit proposed subsection 3E(1), substitute the following subsections:

“(1) Subject to this section, the Commissioner may disclose to an authorised law enforcement agency officer information that the Commissioner may have acquired under the provisions of a tax law (in this section referred to as the “requested information”), notwithstanding any taxation secrecy provision.

“(1A) Where an authorised law enforcement agency officer considers that the Commissioner may have acquired requested information that is relevant to:

(a) establishing whether a serious offence has been, or is being, committed; or

(b) the making, or proposed or possible making, of a proceeds of crime order;

the authorised law enforcement agency officer may apply to a Judge of the Federal Court of Australia.

'(1B) An application under subsection (1A) shall be in writing and shall be accompanied by an affidavit made by the applicant that:

- (a) sets out the details of:
  - (i) the investigation into establishing whether a serious offence has been or is being committed; or
  - (ii) the making, or proposed or possible making, of a proceeds of crime order; and
- (b) specifies particulars of the requested information.

'(1C) An authorised law enforcement agency officer who makes an application under subsection (1A) shall give notice in writing to the Commissioner of the making of the application and of the particulars of the requested information.

'(1D) Where an application is made to a Judge under subsection (1A):

- (a) the Judge may order the Commissioner to disclose to the authorised law enforcement agency officer all of the requested information, or such of the requested information as is specified in the order, that the Commissioner has acquired under the provisions of a taxation law or of a previous law of the Commonwealth of which the Commissioner had the general administration; and
- (b) if the Judge makes an order under paragraph (a)—the Judge may make a further order prohibiting the authorised law enforcement agency officer from communicating the information except in such manner as is, and to such persons (being persons to whom the authorised law enforcement agency officer is otherwise entitled to communicate the information) as are specified in the order, and a Judge may at any time, on application by an authorised law enforcement agency officer or by the Commissioner, notice of which shall be given to the Commissioner or to the authorised law enforcement agency officer, as the case requires, vary or revoke such a further order.

'(1E) A Judge shall not make an order under subsection (1D) in relation to an application unless:

- (a) the Commissioner has been given the opportunity to bring to the notice of the Judge any matter to which the Commissioner considers the Judge should have regard in considering the application;
- (b) the applicant has given to the Judge, on oath or by affidavit, such further information (if any) as the Judge requires concerning the investigation in relation to which the application is made; and
- (c) the Judge is satisfied that:
  - (i) there are reasonable grounds for believing that the information to be specified in the order is relevant to the investigation in relation to which the application is made; and
  - (ii) the information to be specified in the order is not readily obtainable by the authorised law enforcement agency officer from a source other than the Commissioner.

'(1F) A Judge, in considering for the purposes of paragraph (1E) (c) whether or not particular information that may be relevant to a special investigation is readily obtainable by the authorised law enforcement agency officer from a source other than the Commissioner, shall have regard to any prejudice to the conduct of the investigation that may result if the authorised law enforcement agency officer is required to obtain the information from such a source.'"

Page 13, lines 26-29, omit proposed subsection 3F (1), substitute the following subsections:

"(1) Subject to this section, the Commissioner may disclose to the Comptroller-General of Customs information that the Commissioner may have acquired under the provisions of a tax law (in this section referred to as the "requested information"), notwithstanding any taxation secrecy provision.

'(1A) Where the Comptroller-General of Customs considers that the Commissioner may have acquired requested information that is relevant to:

- (a) establishing whether a serious offence has been, or is being, committed; or
- (b) the making, or proposed or possible making, of a proceeds of crime order;

the Comptroller-General of Customs may apply to a Judge of the Federal Court of Australia.

'(1B) An application under subsection (1A) shall be in writing and shall be accompanied by an affidavit made by the applicant that:

- (a) sets out the details of:
  - (i) the investigation into establishing whether a serious offence has been or is being committed; or
  - (ii) the making, or proposed or possible making, of a proceeds of crime order; and
- (b) specifies particulars of the requested information.

'(1C) The Comptroller-General of Customs who makes an application under subsection (1A) shall give notice in writing to the Commissioner of the making of the application and of the particulars of the requested information.

'(1D) Where an application is made to a Judge under subsection (1A):

- (a) the Judge may order the Commissioner to disclose to the Comptroller-General of Customs all of the requested information, or such of the requested information as is specified in the order, that the Commissioner has acquired under the provisions of a taxation law or of a previous law of the Commonwealth of which the Commissioner had the general administration; and
- (b) if the Judge makes an order under paragraph (a)—the Judge may make a further order prohibiting the Comptroller-General of Customs from communicating the information except in such manner as is, and to such persons (being persons to whom the Comptroller-General of Customs is otherwise entitled to communicate the information) as are, specified in the order, and a Judge may at any time, on application by the Comptroller-General of Customs or by the Commissioner, notice of which shall be given to the Commissioner or to the Comptroller-General of Customs as the case requires, vary or revoke such a further order.

'(1E) A Judge shall not make an order under subsection (1D) in relation to an application unless:

- (a) the Commissioner has been given the opportunity to bring to the notice of the Judge any matter to which the Commissioner considers the Judge should have regard in considering the application;
- (b) the applicant has given to the Judge, on oath or by affidavit, such further information (if any) as the Judge requires concerning the investigation in relation to which the application is made; and
- (c) the Judge is satisfied that:
  - (i) there are reasonable grounds for believing that the information to be specified in the order is relevant to the investigation in relation to which the application is made; and
  - (ii) the information to be specified in the order is not readily obtainable by the Comptroller-General of Customs from a source other than the Commissioner.

'(1F) A Judge, in considering for the purposes of paragraph (1E) (c) whether or not particular information that may be relevant to a special investigation is readily obtainable by the Comptroller-General of Customs from a source other than the Commissioner, shall have regard to any prejudice to the conduct of the investigation that may result if the authorised law

enforcement agency officer is required to obtain the information from such a source.'”.

Page 13, after proposed section 3F insert the following section in part 5:

**Privacy Commissioner to monitor provision of requested information**

“3G. (1) The Commissioner shall provide to the Privacy Commissioner all requests for information made under section 3E and 3F and details of all such requested information provided to an authorised law enforcement agency officer or to the Comptroller-General of Customs.

‘(2) The Privacy Commissioner shall report to the Minister if the Privacy Commissioner thinks that the provision of the requested information is an interference with the privacy of an individual.

‘(3) In this section:

“Minister” and “Privacy Commissioner” have the same meanings as in the *Privacy Act 1988*; and

“requested information” has the same meaning as in sections 3F and 3G.”.

Question—That the amendments be agreed to—put.

The committee divided (the Deputy Chairman, Mr Rocher, in the Chair)—

AYES, 56

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

NOES, 73

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

\* Tellers

And so it was negatived.

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

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

The House resumed; Mr Rocher reported accordingly.

Question—That the report be adopted and the Bill be now read a third time—put and passed—Bill read a third time.

- 8 **INCOME TAX (INTERNATIONAL AGREEMENTS) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr P. F. Morris (Minister Assisting the Treasurer), the Bill was read a third time.

- 9 **SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) AMENDMENT BILL 1989 [NO. 2]:** 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 Dr Hewson 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 notes:

- (1) the Government’s failure to reform the ramshackle indirect tax system which is littered with inconsistencies and anomalies;
- (2) the fact that the Commonwealth Ombudsman has criticised the administration of sales tax, in particular that it is unfair to expect taxpayers to operate in a self-assessment system in an atmosphere of uncertainty and without an efficient advisory service or a regular and timely monitoring system; and
- (3) that this Bill arose fundamentally because of the Government’s blatant exercise of attempting to manipulate the CPI by replacing excise tax on beer with a sales tax on normal strength beer”.

*Limitation of debate:* At 11.20 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

Amendment negatived.

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

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

- 10 **INDUSTRY, TECHNOLOGY AND COMMERCE LEGISLATION 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—

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 Australian Industry Development Corporation in its entirety to the private sector as soon as possible in view of the fact that the Corporation operates as a commercial enterprise and furthermore that there is no essential public interest reason for maintaining Federal Government ownership”.

Debate continued.

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.

Mr Moore, by leave, moved the following amendments together:

Clause 11, page 4, at the end of proposed section 23G add the following subsection:

- “(4) The Minister shall cause a copy of any direction given to the Board under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the giving of the direction.”.

Clause 13, page 6, lines 2-9, omit proposed section 28A, substitute the following section:

**Appointment of Corporation auditor**

“28A. (1) Subject to subsection (2), the Auditor-General shall be the auditor for the Corporation.

‘(2) The Minister may appoint a person or corporation other than the Auditor-General, or a person or firm carrying on the business of auditing company accounts, as Corporation auditor if the Auditor-General has recommended to the Board that the Auditor-General should not be the auditor for the Corporation.

‘(3) The Minister may, at any time, terminate the appointment of a person or firm as Corporation auditor.’”.

Debate continued.

Amendments negatived.

Bill agreed to.

Bill to be reported without amendment.

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The House resumed; Mrs Darling reported accordingly.

On the motion of Mrs Kelly (Minister for Telecommunications and Aviation Support), the House adopted the report, and the Bill was read a third time.

- 11 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL (NO. 2) 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.

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

*Message from the Governor-General:* Message No. 208, dated 10 May 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Hand (Minister for Aboriginal Affairs), the Bill was read a third time.

- 12 AIR NAVIGATION 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—

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Beazley (Minister for Defence), the Bill was read a third time.

- 13 QUESTIONS:** Questions without notice being asked—

*Member named and suspended:* The Acting Speaker named the honourable Member for O'Connor (Mr Tuckey) for disorderly conduct.

Mr Beazley (Leader of the House) moved—That the honourable Member for O'Connor be suspended from the service of the House.

Question—put.



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

AYES, 80

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	Mr Keating	Mr Punch
Mr Blanchard	Mr R. F. Edwards	Mrs Kelly	Mr Saunderson
Dr Blewett	Ms Fatin	Mr Kent	Mr Sawford
Mr Bowen	Mr Fitzgibbon	Mr Kerin	Mr Scholes
Mr J. J. Browr	Mr Free	Mr Kerr	Mr Sciacca
Mr Brumby	Mr Gayler	Dr Klugman	Mr J. L. Scott
Mr Campbell	Mr Gear	Mr Lamb*	Mr L. J. Scott
Mr Charles	Mr Gorman	Mr Langmore	Mr Simmons
Dr Charlesworth	Mr Grace	Mr Lavarch	Mr Snow
Mr Chynoweth	Mr Griffiths	Mr Lee	Mr Snowdon
Mr Cleeland	Mr Hand	Mr Lindsay	Mr Staples
Mr Cohen	Mrs Harvey	Ms McHugh	Dr Theophanous
Mr Courtice	Mr Hawke	Mr Martin	Mr Tickner
Ms Crawford	Mr Holding	Mr Mildren	Mr Uren
Mr Cross	Mr Hollis	Mr Milton	Mr West
Mr Cunningham*	Mr Humphreys	Mr A. A. Morris	Mr Willis
Mrs Darling	Mrs Jakobsen	Mr P. F. Morris	Mr Wright

NOES, 52

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

\* Tellers

And so it was resolved in the affirmative.

The honourable Member was, therefore, suspended at 2.58 p.m. for 24 hours under standing order 305, and he accordingly withdrew from the Chamber.

Questions without notice continued.

*Suspension of standing and sessional orders—Motion of censure of Treasurer:* Dr Hewson moved—That so much of the standing and sessional orders be suspended as would prevent the honourable Member for Wentworth moving forthwith a motion of censure of the Treasurer.

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

*Treasurer—Motion of censure:* Dr Hewson moved—That this House censures the Treasurer for his failed economic management which, despite six years of good economic growth in the world economy and record high commodity prices, has resulted in:

- (1) a current account deficit which is already \$4.5 billion above the budget forecast for this financial year;
- (2) a quadrupling of net foreign debt to over \$95 billion;
- (3) a rate of inflation currently stuck at around 7 per cent, even based on the statistician's revised measure, compared with the budget forecast of 4.5 per cent;
- (4) the huge increase in home loan mortgage rates from 13.5 per cent in June last year to 16 per cent; and
- (5) a decline in living standards of wage and salary earners due to high taxes, high inflation and high interest rates.

Debate ensued.

Mr Peacock (Leader of the Opposition) rising to address the House—

*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 Acting Speaker, Mr McLeay, in the Chair)—

AYES, 80

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	Mr Keating	Mr Punch
Mr Blanchard	Mr R. F. Edwards	Mrs Kelly	Mr Saunderson
Dr Blewett	Ms Fatin	Mr Kent	Mr Sawford
Mr Bowen	Mr Fitzgibbon	Mr Kerin	Mr Scholes
Mr J. J. Brown	Mr Free	Mr Kerr	Mr Sciacca
Mr Brumby	Mr Gayler	Dr Klugman	Mr J. L. Scott
Mr Campbell	Mr Gear	Mr Lamb*	Mr L. J. Scott
Mr Charles	Mr Gorman	Mr Langmore	Mr Simmons
Dr Charlesworth	Mr Grace	Mr Lavarch	Mr Snow
Mr Chynoweth	Mr Griffiths	Mr Lee	Mr Snowdon
Mr Cleeland	Mr Hand	Mr Lindsay	Mr Staples
Mr Cohen	Mrs Harvey	Ms McHugh	Dr Theophanous
Mr Courtice	Mr Hawke	Mr Martin	Mr Tickner
Ms Crawford	Mr Holding	Mr Mildren	Mr Uren
Mr Cross	Mr Hollis	Mr Milton	Mr West
Mr Cunningham*	Mr Humphreys	Mr A. A. Morris	Mr Willis
Mrs Darling	Mrs Jakobsen	Mr P. F. Morris	Mr Wright

NOES, 55

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

\* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

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

AYES, 54

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

## NOES, 80

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	Mr Keating	Mr Punch
Mr Blanchard	Mr R. F. Edwards	Mrs Kelly	Mr Saunderson
Dr Blewett	Ms Fatin	Mr Kent	Mr Sawford
Mr Bowen	Mr Fitzgibbon	Mr Kerin	Mr Scholes
Mr J. J. Browr	Mr Free	Mr Kerr	Mr Sciacca
Mr Brumby	Mr Gayler	Dr Klugman	Mr J. L. Scott
Mr Campbell	Mr Gear	Mr Lamb*	Mr L. J. Scott
Mr Charles	Mr Gorman	Mr Langmore	Mr Simmons
Dr Charlesworth	Mr Grace	Mr Lavarch	Mr Snow
Mr Chynoweth	Mr Griffiths	Mr Lee	Mr Snowdon
Mr Cleeland	Mr Hand	Mr Lindsay	Mr Staples
Mr Cohen	Mrs Harvey	Ms McHugh	Dr Theophanous
Mr Courtice	Mr Hawke	Mr Martin	Mr Tickner
Ms Crawford	Mr Holding	Mr Mildren	Mr Uren
Mr Cross	Mr Hollis	Mr Milton	Mr West
Mr Cunningham*	Mr Humphreys	Mr A. A. Morris	Mr Willis
Mrs Darling	Mrs Jakobsen	Mr P. F. Morris	Mr Wright

\* Tellers

And so it was negatived.

Questions without notice concluded.

- 14 **PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE:** The Acting Speaker informed the House that Mr Tuckey had proposed that a definite matter of public importance be submitted to the House for discussion but as the Member was suspended from the service of the House, he was unable to call the Member to speak.

- 15 **PUBLIC WORKS COMMITTEE—REPORT—STATEMENT BY MEMBER:** Mr Hollis (Chairman) presented the following report from the Parliamentary Standing Committee on Public Works:

Report relating to the construction of a building for the Family Court of Australia. Sydney (11th report of 1989).

Ordered to be printed.

Mr Hollis, by leave, made a statement in connection with the report.

- 16 **EXOTIC ANIMAL DISEASE CONTROL BILL 1989:** Mr Holding (Minister for the Arts, Tourism and Territories), for Mr Kerin (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to establish an Exotic Animal Disease Preparedness Consultative Council and to provide financial assistance for purposes related to the control and eradication of exotic animal diseases.

Bill read a first time.

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

*Paper:* Mr Holding presented an explanatory memorandum to the Bill.

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

- 17 **DAIRY PRODUCE LEVY (NO. 1) AMENDMENT BILL 1989:** Mr Holding (Minister for the Arts, Tourism and Territories) presented a Bill for an Act to amend the *Dairy Produce Levy (No. 1) Act 1986*.

Bill read a first time.

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

*Paper:* Mr Holding presented an explanatory memorandum to the Bill.

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

- 18 **EGG INDUSTRY RESEARCH (HEN QUOTA) LEVY AMENDMENT BILL 1989:** Mr Holding (Minister for the Arts, Tourism and Territories) presented a Bill for an Act to amend the *Egg Industry Research (Hen Quota) Levy Act 1987*.  
Bill read a first time.  
Mr Holding moved—That the Bill be now read a second time.  
*Paper:* Mr Holding presented an explanatory memorandum to the Bill.  
Debate adjourned (Mr Beale), and the resumption of the debate made an order of the day for the next sitting.
- 19 **LAYING CHICKEN LEVY AMENDMENT BILL 1989:** Mr Holding (Minister for the Arts, Tourism and Territories) presented a Bill for an Act to amend the *Laying Chicken Levy Act 1988*.  
Bill read a first time.  
Mr Holding moved—That the Bill be now read a second time.  
*Paper:* Mr Holding presented an explanatory memorandum to the Bill.  
Debate adjourned (Mr Beale), and the resumption of the debate made an order of the day for the next sitting.
- 20 **MEAT CHICKEN LEVY AMENDMENT BILL 1989:** Mr Holding (Minister for the Arts, Tourism and Territories) presented a Bill for an Act to amend the *Meat Chicken Levy Act 1969*.  
Bill read a first time.  
Mr Holding moved—That the Bill be now read a second time.  
*Paper:* Mr Holding presented an explanatory memorandum to the Bill.  
Debate adjourned (Mr Beale), and the resumption of the debate made an order of the day for the next sitting.
- 21 **LIVE-STOCK SLAUGHTER LEVY AMENDMENT BILL 1989:** Mr Holding (Minister for the Arts, Tourism and Territories) presented a Bill for an Act to amend the *Live-stock Slaughter Levy Act 1964*.  
Bill read a first time.  
Mr Holding moved—That the Bill be now read a second time.  
*Paper:* Mr Holding presented an explanatory memorandum to the Bill.  
Debate adjourned (Mr Beale), and the resumption of the debate made an order of the day for the next sitting.
- 22 **PIG SLAUGHTER LEVY AMENDMENT BILL 1989:** Mr Holding (Minister for the Arts, Tourism and Territories) presented a Bill for an Act to amend the *Pig Slaughter Levy Act 1971*.  
Bill read a first time.  
Mr Holding moved—That the Bill be now read a second time.  
*Paper:* Mr Holding presented an explanatory memorandum to the Bill.  
Debate adjourned (Mr Beale), and the resumption of the debate made an order of the day for the next sitting.
- 23 **NATIONAL DEBT SINKING FUND AMENDMENT BILL 1989:** Mr P. F. Morris (Minister Assisting the Treasurer), pursuant to notice, presented a Bill for an Act to amend the *National Debt Sinking Fund Act 1966*.  
Bill read a first time.  
Mr P. F. Morris moved—That the Bill be now read a second time.  
*Paper:* Mr P. F. Morris presented an explanatory memorandum to the Bill.

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

24 **INCOME TAX (ARRANGEMENTS WITH THE STATES) REPEAL 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 Dr Hewson 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 notes that:

- (1) the Treasurer is devoid of any policy on Federal/State financial relations;
- (2) the Treasurer has been unable to achieve effective restraint in State expenditure;
- (3) the Treasurer remains exposed to the effects of increases in State charges on the CPI; and
- (4) the global borrowing limits are a fiction given the extent to which they can be regularly circumvented”.

Debate continued.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), the Bill was read a third time.

25 **AUSTRALIAN FEDERAL POLICE LEGISLATION 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—

Debate resumed.

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

*Message from the Governor-General:* Message No. 209, dated 5 May 1989, 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.

*In the committee*

Bill, by leave, taken as a whole.

Mr N. A. Brown, by leave, moved the following amendments together:

Clause 15—

Page 10, after proposed section 41 insert the following section:

**Relevant disciplinary offence a disallowable instrument**

“41A. It is expressly provided that a declaration of a disciplinary offence as a relevant disciplinary offence under the Australian Federal Police (Discipline) Regulations is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”

Page 15, after proposed section 51 insert the following section:

**Members resigned or retired charged with relevant disciplinary offences**

“51A. (1) Where:

- (a) a member is charged with an offence;
  - (b) the member, whether before or after the day on which he or she is charged, has resigned or retired;
  - (c) the member has been paid an amount under a superannuation scheme;
- then, if the Commissioner believes on reasonable grounds that the offence is a corruption offence, the Commissioner shall notify the Minister in writing of the charge, indicating the particulars of the charge and the reasons why the Commissioner considers that the offence is, or may be, a corruption offence.

(2) Where, after receipt of a notice under subsection (1), the Minister is of the opinion that the offence is a corruption offence, the Minister may

apply to the Federal Court and the Court may, if it is of the opinion that it is reasonable to do so, make an order restraining the member or any other person from using, disposing of or dealing with by any means, any part of the amount paid to the member under the superannuation scheme other than an amount equal to the sum of the member's own contribution and interest accrued on that contribution.

'(3) Where the Court has made an order under subsection (2) and:

- (a) the member is acquitted of the offence or the charge is withdrawn or otherwise disposed of without the conviction of the person; or
- (b) the member is convicted of the offence but is not sentenced to imprisonment, or is sentenced to imprisonment for a term of 12 months or less;

the Court, on the application of the Minister, shall revoke the order."

Debate continued.

Amendments negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr R. F. Edwards reported accordingly.

On the motion of Mr Bowen (Attorney-General), the House adopted the report, and the Bill was read a third time.

**26 HORTICULTURAL LEGISLATION 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—

Debate resumed.

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

*Message from the Governor-General:* Message No. 210, dated 5 May 1989, 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.

*In the committee*

Bill, by leave, taken as a whole.

Mrs Kelly (Minister for Telecommunications and Aviation Support), by leave, moved the following amendments together:

Clause 23—

Page 13, lines 27 and 28, omit "under subsection (2) or in relation to penalty" from proposed subsection 7A (1), substitute "or in relation to penalty under subsection (2)".

Page 15, lines 4 and 5, omit "Charge Collection Act", substitute "Export Charge Collection Act".

Page 15, line 9, omit "Charge Collection Act", substitute "Export Charge Collection Act".

Debate continued.

*Limitation of debate:* At 10.25 p.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the remaining stages had expired—

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

Further question—That the Bill, as amended, be agreed to, and that the Bill be reported with amendments—put and passed.

The House resumed; Mr Blanchard reported accordingly.

Question—That the report be adopted and the Bill be now read a third time—  
put and passed—Bill read a third time.

- 27 **HORTICULTURAL LEVY 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mrs Kelly (Minister for Telecommunications and Aviation Support), the Bill was read a third time.

- 28 **HORTICULTURAL EXPORT CHARGE 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mrs Kelly (Minister for Telecommunications and Aviation Support), the Bill was read a third time.

- 29 **NORTHERN TERRITORY GRANT (ELECTRICITY) 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.

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

*Message from the Governor-General:* Message No. 211, dated 24 May 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr P. F. Morris (Minister Assisting the Treasurer), the Bill was read a third time.

- 30 **ADJOURNMENT:** Mr P. F. Morris (Minister for Industrial Relations) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 10.48 p.m., adjourned until tomorrow at 10 a.m.

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**PAPERS:** The following papers were deemed to have been presented on 24 May 1989:

Public Service Act—Determinations—1989—Nos. 52, 56, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.

Veterans' Entitlements Act—Instrument varying Pharmaceutical Benefits Scheme, dated 2 May 1989.

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Mr Aldred, Mrs Child, Mr Hicks, Mr Howe, Mr Macphee, Mr Mountford and Mr Porter.

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