

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 149

THURSDAY, 2 NOVEMBER 1989

- 1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Honourable Leo McLeay) 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 Bilney, Mr Blanchard, Dr Blewett, Mr Braithwaite, Mr I. M. D. Cameron, Mr Cobb, Mr Dobie, Mr Fife, Mr Fitzgibbon, Mr Griffiths, Mr Hand, Mr Hawke, Mr Hawker, Mr Hollis, Mrs Jakobsen, Mr Jones, Mr Kerr, Mr Lindsay, Mr McArthur, Mr Macphee, Mr Millar, Mr Milton, Mr Rocher, Mr Scholes, Mr Sharp, Mr Simmons, Mr Taylor, Dr Theophanous and Dr Wooldridge, from 263, 262, 90, 100, 223, 28, 31, 461, 48, 129, 587, 545, 781, 161, 121, 74, 119, 25, 810, 59, 154, 130, 72, 112, 218, 500, 116, 213, 96, 98 and 327 petitioners, respectively, praying that policies be implemented to increase Australian aid, fight poverty, protect the environment and promote human rights.
- Mr Blunt, Mr Cadman, Mr I. M. D. Cameron, Mr Cobb, Mr Connolly, Mr Dobie, Mr Dubois, Dr H. R. Edwards, Mr R. F. Edwards, Mr Hicks, Mr Hcllis, Mr Johns, Mr Katter, Mr Kerin, Mr Martin, Mr Rocher, Mr Ruddock, Mr Simmons, Mr Snowdon and Mr Tickner, from 56, 374, 16, 43, 13, 21, 739, 24, 235, 37, 19, 29, 24, 22, 50, 108, 293, 122, 33 and 239 petitioners, respectively, praying that funding of abortions through Medicare cease and certain other action be taken to protect the right to life of the unborn.
- Mr Hicks, Mr Kerin, Mr Pratt and Mr Spender, from 94, 120, 99 and 166 petitioners, respectively, praying that the restructuring of the Pharmaceutical Benefits Scheme be reconsidered.
- Mr Milton, from 13 petitioners, in similar terms.
- Mr Bilney, Mr Dobie and Dr H. R. Edwards, from 10, 12 and 24 petitioners, respectively, praying that an International Earth Repair Action Decade begin on 5 June 1990.
- Mr Adermann and Mr Moore, from 630 and 40 petitioners, respectively, praying that steps be taken to maintain both high quality health care for the community and equity for community pharmacists.
- Mr Cadman and Mr Tickner, from 108 and 27 petitioners, respectively, praying that the decision to place certain pharmaceutical drugs on the "Authority only" listing be abandoned.
- Dr Charlesworth and Mr Peacock, from 24 and 13,437 petitioners, respectively, praying that action be taken to phase out the consumption, production and export of chlorofluorocarbons and halons.

- Mr Beazley, from 380 petitioners, praying that the continued viability of neighbourhood pharmaceutical services be guaranteed by an adequately funded Pharmaceutical Benefits Scheme.
- Mr Beazley, from 63 residents of Western Australia, praying that the increases in social security pensions planned for April 1990 be made in November 1989.
- Mr Blanchard, from 375 petitioners, praying that action be taken to ensure the production of disposable nappies which are biodegradable and free of dioxin.
- Mr Blanchard, from 62 petitioners, praying that action be taken to ensure the production of tampons and sanitary products which are biodegradable and free of dioxin.
- Mr N. A. Brown, from 305 petitioners, praying that the Abortion Funding Abolition Bill be supported.
- Mr Cadman, from 47 petitioners, praying that the Vietnamese Government be called on for clemency and remission of the death sentences imposed on 2 Buddhist leaders.
- Mr Cadman, from 35 petitioners, praying that continuation of the Brain Injury Therapy Centre at Eastwood, NSW, be ensured and that certain other action be taken to improve brain injury therapy.
- Mr Cadman, from 14 electors of the Division of Mitchell, praying that the punitive treatment of those who have prepared for retirement by careful saving and wise investment be rejected.
- Mr I. M. D. Cameron, from 122 petitioners, praying that the proportion of funds allocated to roads from fuel excise be increased and certain other action taken to improve the road system.
- Dr Charlesworth, from 25 petitioners, praying that the moratorium on mining of the Antarctic continent be extended and certain other action be taken in relation to environmental protection of the Antarctic.
- Mr R. F. Edwards, from 161 petitioners, 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 T. A. Fischer, from 200 petitioners, praying that an equitable financial remuneration be granted to pharmacists for dispensing prescriptions under the Pharmaceutical Benefits Scheme.
- Mr Halverson, from 68 petitioners, praying for the implementation of a breast cancer screening and education program which is covered by Medicare and accessible to all Australian women.
- Mr Miles, from 20 petitioners, in similar terms.
- Mr Hawke, from 426 petitioners, praying that action be taken to encourage a more responsible and considerate attitude towards the environment, nationally and internationally.
- Mr Hawker, from 344 petitioners, praying that the excessive reliance on high interest rates as the major economic policy weapon cease.
- Mr Hawker, from 95 petitioners, praying that the funding of road works be given higher priority and certain other action be taken in relation to upgrading Australia's road network.
- Mr Hawker, from 21 petitioners, praying that the new schools policy be abolished.
- Mr Hawker, from 20 petitioners, praying that a breast X-ray program for Australian women be implemented as soon as possible.
- Mr Hicks, from 1022 petitioners, praying that legislation be enacted to establish a savings fund to encourage saving by young people and to provide low interest housing loans to its contributors.
- Mr Hicks, from Mr F. James, praying that legislation be enacted to enable the present system of government to be challenged at the next federal election.

Mr Langmore, from 560 petitioners, praying that woodchipping be phased out and certain other action be taken in relation to the forests of south eastern Australia.

Mr Milton, from 533 petitioners, praying that certain action be taken to oppose penal code reforms in El Salvador.

Mr Pratt, from 1783 petitioners, praying that efforts to cut expenditure on the Pharmaceutical Benefits Scheme by reducing pharmacists' remuneration be reconsidered.

Mr Pratt, from 60 petitioners, praying that certain action be taken to ensure the viability of community pharmacists.

Mr Pratt, from 19 petitioners, in similar terms.

Mr Spender, from 2 petitioners, praying that the recommendations in the majority report of the Joint Select Committee on Electoral Matters concerning advertising by political parties on radio and television be rejected.

Mr Wilson, from 224 residents of South Australia, praying that foreign investment in Australian property, businesses and resources be limited to 45 per cent of each purchase.

Petitions received.

3 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER: Mr Brumby (Chairman) presented the following report and related papers:

Employment, Education and Training—Standing Committee—The restless years: An inquiry into Year 12 retention rates—

Report, dated October 1989.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Brumby, Mr Price, Dr Woods, Mrs Jakobsen and Mr Sawford made statements in connection with the report.

Mr Brumby 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.

4 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Martin (Chairman) presented the following report and related papers:

Finance and Public Administration—Standing Committee—There's no place like home: A review of an efficiency audit of the Department of Community Services and Health Home and Community Care Program.

Report, dated October 1989.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Martin and Mr Braithwaite made statements in connection with the report.

5 ABORTION FUNDING ABOLITION BILL 1989: The order of the day having been read for the second reading—

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

Debate continued.

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

6 ONE WORLD OR NONE CAMPAIGN: Mr Tickner, pursuant to notice, moved—That this House:

- (1) notes the focus of the One World or None Campaign, initiated by the Australian Council for Overseas Aid and 85 aid and development organisations together with other community groups, on the issues of environment and development, global economy and the fight against poverty, disarmament and development and protecting human rights;
- (2) calls for community debate on these vital issues of our time; and
- (3) calls on governments to initiate policies to contribute towards the advancement of these goals.

Debate ensued.

Paper: Mr Aldred, by leave, presented the following paper:

United States Global Strategy Council Forum—Verbatim transcript of proceedings, Wednesday, 27 September 1989.

Debate continued.

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

7 MURRAY-DARLING BASIN: Mr Andrew, pursuant to notice, moved—That this House:

- (1) recognises the importance of the Murray-Darling Basin in the economic development of Australia and its continuing contribution to the nation's primary production, industrial and recreational activities; and
- (2) calls on the Federal Government to give a higher priority to salinity mitigation schemes in south-eastern Australia and to foster greater cooperation between the State Governments involved in the Murray-Darling catchment areas in order to ensure that the long-term interests of river users are met.

Debate ensued.

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

8 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.

9 MEMBERS' STATEMENTS: Members' statements were made.

10 QUESTIONS: Questions without notice were asked.

11 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER: Mr Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 20—1989-90—Ministerial portfolios—Budget sittings 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 audit report No. 20 of the Auditor-General for 1989-90; and
- (2) the report be printed.

Question—put and passed.

12 PAPERS: The following papers were presented:

Audit Act—Finance Regulations—Commonwealth procurement guidelines—

4. Planning government procurement.

9. Managing performance.

Commonwealth Fire Board—Report for 1988-89.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—
Report—

Updates of relativities, 1989.

56th Report, including freedom of information statement, for 1988-89.

Employment, Education and Training—Standing Committee—Report—Setting the course: Inquiry into the efficiency and effectiveness of institutional practices in the higher education sector—Government response.

Industries Assistance Commission Act—Industries Assistance Commission—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.

Postal Services Act—Australian Postal Corporation—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.

Public Accounts—Joint Committee—Report 296—The Auditor-General: Ally of the people and parliament—Reform of the Australian Audit Office—

Government response.

Ministerial statement.

Public Service Act—Public Service Commissioner—Report, including freedom of information statement, for 1988-89.

Telecommunications Act—Australian Telecommunications Corporation—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89—Corrigendum.

13 PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT ON REFORM OF THE AUSTRALIAN AUDIT OFFICE—GOVERNMENT RESPONSE AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS: Mr Beazley (Leader of the House) moved—That the House take note of the following papers:

Public Accounts—Joint Committee—Report 296—The Auditor-General: Ally of the people and parliament—Reform of the Australian Audit Office—
Government response.

Ministerial statement by Senator Walsh, Minister for Finance.

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

14 COMMONWEALTH HEADS OF GOVERNMENT MEETING—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS: Mr Hawke (Prime Minister), by leave, made a ministerial statement on his attendance at the Commonwealth Heads of Government Meeting, held in Kuala Lumpur from 18 to 24 October 1989, and presented the following papers:

Commonwealth Heads of Government Meeting, Kuala Lumpur, 18-24 October 1989—

Ministerial statement, 2 November 1989.

Communique, issued on 24 October 1989.

Langkawi Declaration on Environment, issued on 21 October 1989.

Southern Africa: The way ahead—The Kuala Lumpur statement, issued on 22 October 1989.

Mr Beazley (Leader of the House) moved—That the House take note of the papers.

Suspension of standing orders—Extended time for speech: Mr Beazley (Leader of the House), by leave, moved—That so much of the standing orders be suspended as would prevent the Leader of the Opposition speaking for a period not exceeding 30 minutes.

Question—put and passed.

Mr Peacock addressed the House.

Debate adjourned (Mr Humphreys—Minister for Veterans' Affairs), and the resumption of the debate made an order of the day for the next sitting.

- 15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT AND DEVELOPMENT POLICIES:** The House was informed that Mr Blunt (Leader of the National Party of Australia) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The need for the Government to determine its environment and development policies based on a rational and objective assessment of both environmental and economic consequences which accepts the principle of sustained development".

The proposed discussion having received the necessary support—

Mr Blunt addressed the House.

Discussion ensued.

Discussion concluded.

- 16 **MESSAGE FROM THE SENATE—INCOME TAX ASSESSMENT AMENDMENT BILL 1989:** The following message from the Senate was reported:

Message No. 471

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to amend the law relating to taxation*", and acquaints the House that the Senate has agreed to the Bill with the Amendment indicated by the annexed Schedule, in which Amendment the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 2 November 1989

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

- 17 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported:

(a) acquainting the House of the Senate resolution granting leave to the Subcommittee on the Operations of the National Safety Council of Australia (Victorian Division) of the Joint Committee on Foreign Affairs, Defence and Trade, to meet during the sitting of the Senate on Friday, 24 November 1989, for the purpose of hearing evidence in public session—Message No. 470, dated 2 November 1989.

(b) returning the following Bills without amendment:

2 November 1989—Message—

No. 472—Income Tax Amendment (No. 2) 1989 (*without requests*).

No. 473—Medicare Levy Amendment 1989 (*without requests*).

No. 474—Goat Fibre Levy 1989 (*without requests*).

No. 475—Goat Fibre Levy Collection 1989.

No. 476—Pasture Seed Levy 1989 (*without requests*).

No. 477—Pasture Seed Levy Collection 1989.

No. 478—Grape Research Levy Amendment 1989 (*without requests*).

No. 479—Wine Grapes Levy Amendment 1989 (*without requests*).

No. 480—Australian Wine and Brandy Corporation Amendment 1989.

No. 481—Crimes (Superannuation Benefits) 1989.

No. 482—Australian Federal Police Amendment 1989.

- 19 **SELECTION COMMITTEE—REPORT:** Mr D. M. Cameron (Acting Chairman) presented the report of the Selection Committee relating to the program of business prior to 12.30 p.m. on Thursday, 23 November 1989.

19 PUBLICATIONS COMMITTEE—19TH REPORT: Mr Jenkins (Chairman) presented the 19th Report from the Publications Committee (sitting in conference with the Publications Committee of the Senate). The report is as follows:

19TH 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 5 October 1989, recommends that the following be printed:

Aboriginal deaths in custody—Royal Commission—Report of inquiry into deaths of J. R. Pilot.

Australian Biological Resources Study Advisory Committee—Report for 1988-89.

Australian Meat and Live-stock Corporation Act—Australian Meat and Live-stock Corporation—Report for 1988-89.

Australian Meat and Live-stock Research and Development Corporation Act—Australian Meat and Live-stock Research and Development Corporation—Report for 1988-89.

Australian Research Council—Report—Grants and fellowships awarded in 1989.

Australian Research Grants Scheme, Marine Sciences and Technologies Grants Scheme, National Research Fellowship Scheme and the Queen Elizabeth II Fellowships—Report—Grants and fellowships awarded 1988.

Australian Wine and Brandy Corporation Act—Australian Wine and Brandy Corporation—Report for 1988-89.

Defence Force Discipline Act—Judge Advocate General—Report for 1988.

Economic Planning Advisory Council Act—Economic Planning Advisory Council—Report for 1988-89.

Family Law Council—Report—Representation of children in family law proceedings.

Federal Airports Corporation Act—Federal Airports Corporation—Report for period 1 April 1988 to 31 March 1989.

Governor-General Act—Office of Official Secretary to the Governor-General—Report for 1988-89.

Health Insurance Commission Act—Health Insurance Commission—Report for 1988-89.

High Court of Australia Act—High Court of Australia—Report for 1988-89.

Industries Assistance Commission—Report—The dried vine fruits industry, dated 1 September 1989 (No. 420).

Medical Research Endowment Act—National Health and Medical Research Council—Report for 1988.

Murray-Darling Basin Act—Murray-Darling Basin Commission—Report for 1987-88.

National Energy Research, Development and Demonstration Council—Report for 1988-89.

National Measurement Act—National Standards Commission—Report for 1988-89.

New Parliament House—Joint Standing Committee—Report relating to proposed work in the Parliament Zone—Upgrade and refurbishment of the southern entry to the Administrative Building, Parkes, ACT.

Pipeline Authority Act—Pipeline Authority—Report for 1988-89.

Public Service Act—

Attorney-General's Department—Report for 1988-89.

Defence Report for 1988-89.

Department of Finance—Report for 1988-89.

Department of the Parliamentary Library—Report for 1988-89.

Reform of Commonwealth Superannuation—Policy statement by Senator Walsh, Minister for Finance.

Rural Industries Research Act—Dairy Research Council—4th Report, for 1988-89.
 Services Trust Funds Act—Australian Military Forces Relief Trust Fund—Report for 1988.
 Snowy Mountains Council—Report for 1988-89.
 Snowy Mountains Engineering Corporation Act—Snowy Mountains Engineering Corporation—Report for 1988-89.
States Grants (Tertiary Education Assistance) Act 1987—Report detailing determinations made under the Act in respect of 1988.
 Telecommunications Act—Australian Telecommunications Corporation—Report for 1988-89.
 Trade Practices Act—Trade Practices Commission—Report for 1988-89.
 Wool Marketing Act—Australian Wool Corporation—Report for 1988-89.

Commonwealth Electoral Act—Redistribution of Electoral Divisions, 1989—Western Australia—Addendum.

H. A. Jenkins
 Chairman

2 November 1989

Mr Jenkins, by leave, moved—That the report be agreed to.
 Question—put and passed.

- 20 **POSTPONEMENT OF NOTICE:** Ordered—That notice No. 1, government business, be postponed until a later hour this day.
- 21 **CHEMICAL WEAPONS CONVENTION:** Mr Duffy (Minister representing the Minister for Foreign Affairs and Trade), pursuant to notice, moved—That this House:
- (1) absolutely rejects any recourse to chemical warfare and calls for the elimination of all existing stocks of chemical weapons;
 - (2) views the comprehensive, global Chemical Weapons Convention under negotiation by the Geneva Conference on Disarmament as the most effective, enduring solution to the potential threat of chemical warfare;
 - (3) believes that an effectively verifiable Chemical Weapons Convention will need to be designed and implemented with the active participation of the international chemical industry and that in this regard it:
 - (a) welcomes the outcome of the Government-Industry Conference against Chemical Weapons held in Canberra in September 1989, including the industry statement rejecting any involvement with the manufacture of chemical weapons and affirming commitment to the development and implementation of a global ban on chemical weapons; and
 - (b) encourages the continuing growth of dialogue, stimulated by the Conference, between government and industry on the chemical weapons issue; and
 - (4) believes that Australia should continue to work with neighbouring countries to foster regional awareness of the chemical weapons issue, with the aims of reinforcing norms within our region against chemical weapons and of strengthening regional support for the Chemical Weapons Convention under negotiation in Geneva.

Debate ensued.

Question—put and passed.

- 22 **CRIMES (TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES)**
BILL 1989: Mr Simmons (Minister for Defence Science and Personnel), for Mr Bowen (Attorney-General), pursuant to notice, presented a Bill for an Act to make provision with respect to the traffic in narcotic drugs and psychotropic substances in accordance with the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Bill read a first time.

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

Paper: Mr Simmons presented an explanatory memorandum to the Bill.

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

- 23 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 3) 1989:** Mr Simmons (Minister for Defence Science and Personnel), for Mr Dawkins (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Higher Education Funding Act 1988*.

Bill read a first time.

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

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

- 24 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL (NO. 4) 1989:** Mr Howe (Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend legislation related to social security and veterans' affairs, and for related purposes.

Bill read a first time.

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

Paper: Mr Howe presented an explanatory memorandum to the Bill.

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

- 25 PAPER:** Mr Simmons (Minister for Defence Science and Personnel) presented the following paper:

Higher Education Funding Amendment Bill (No. 3) 1989—Explanatory memorandum.

- 26 POSTPONEMENT OF NOTICE:** Ordered—That notice No. 6, government business, be postponed until a later hour this day.

- 27 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 4) BILL 1989:** Mr Simmons (Minister for Defence Science and Personnel), for Mr Jones (Minister for Science, Customs and Small Business), pursuant to notice, presented a Bill for an Act to amend legislation relating to Customs and Excise, and for related purposes.

Bill read a first time.

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

Paper: Mr Simmons presented an explanatory memorandum to the Bill.

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

- 28 COMMUNITY SERVICES AND HEALTH LEGISLATION AMENDMENT BILL (NO. 2) 1989:** Mr Simmons (Minister for Defence Science and Personnel), for Mr Staples (Minister for Housing and Aged Care), pursuant to notice, presented a Bill for an Act to amend laws relating to community services and health, and for related purposes.

Bill read a first time.

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

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

Paper: Mr Simmons presented an explanatory memorandum to the Bill.

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

- 29 TRANSPORT AND COMMUNICATIONS LEGISLATION AMENDMENT BILL (NO. 2) 1989:** Mr R. J. Brown (Minister for Land Transport and Shipping Support), pursuant to notice, presented a Bill for an Act to amend certain laws relating to Transport and Communications, and for related purposes.

Bill read a first time.

Mr R. J. Brown moved—That the Bill be now read a second time.

Paper: Mr R. J. Brown presented an explanatory memorandum to the Bill.

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

- 30 **TAXATION LAWS AMENDMENT BILL (NO. 5) 1989:** Mr P. F. Morris (Minister Assisting the Treasurer) presented a Bill for an Act to amend the law relating to taxation.

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 Sharp), and the resumption of the debate made an order of the day for the next sitting.

- 31 **INCOME TAX (INTERNATIONAL AGREEMENTS) AMENDMENT BILL (NO. 2) 1989:** Mr P. F. Morris (Minister Assisting the Treasurer) presented a Bill for an Act to amend the *Income Tax (International Agreements) Act 1953*, and for related purposes.

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 Sharp), and the resumption of the debate made an order of the day for the next sitting.

- 32 **INDUSTRY COMMISSION BILL 1989:** Mr P. F. Morris (Minister Assisting the Treasurer) presented a Bill for an Act to establish an Industry Commission for the purpose of holding inquiries into matters relating to industry and for related purposes, to make other provision in connection with industry, to repeal the *Industries Assistance Commission Act 1973* and parts of the *Inter-State Commission Act 1975*, and to make provision for related matters.

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 Sharp), and the resumption of the debate made an order of the day for the next sitting.

- 33 **STAGE 2 DEVELOPMENT, INCLUDING NEW SUBMARINE SCHOOL—HMAS STIRLING, GARDEN ISLAND, WA—APPROVAL OF WORK:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Stage 2 development, including new Submarine School, HMAS *Stirling*, Garden Island, WA.

Debate ensued.

Question—put and passed.

- 34 **ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION BILL 1989—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—Pages 1 and 2, Preamble, line 1 (page 1) to line 34 (page 2), leave out the Preamble.

No. 2—Page 3, subclause 4 (1), definition of “Aboriginal or Torres Strait Islander corporation”, paragraph (c), lines 38 and 39, leave out the paragraph, insert the following; paragraph and words:

“(c) an Aboriginal association incorporated under Part IV of the *Aboriginal Councils and Associations Act 1976*;

but does not include a Regional Council;”.

No. 3—Page 5, subclause 4 (1), definition of “Institute”, lines 7 to 9, leave out the definition.

No. 4—Page 7, paragraph 7 (1) (e), lines 21 and 22, leave out the paragraph.

No. 5—Page 7, paragraph 7 (1) (j), lines 35 and 36, leave out “without derogating from the functions or powers of the Australian Bureau of Statistics”, insert “at the request or with the concurrence of the Australian Bureau of Statistics but not otherwise.”.

No. 6—Page 8, after subclause 7 (3), add the following new subclause:

“(4) In performing its function under paragraph (1) (h), the Commission shall ensure that material or information covered by that paragraph is not disclosed by the Commission if that disclosure would be inconsistent with the views or sensitivities of relevant Aboriginal persons or Torres Strait Islanders.”.

No. 7—After new subclause 7 (4), add the following new subclause:

“(5) Nothing in this section or in any other provision of this Act shall be read as conferring on the Commission a function of acquiring land except:

(a) for its administrative purposes; or

(b) for the purpose of the performance of functions expressly conferred on the Commission by this Act.”.

No. 8, Page 8, paragraph 10 (2) (b), line 37, after “State”, insert “, to the Australian Capital Territory”.

No. 9—Page 10, clause 12 (5), lines 11 to 14, leave out the subclause, insert the following; subclause:

“(5) A copy of a direction laid before the Parliament in accordance with subsection (4) shall not disclose any matter the disclosure of which in that manner would be inconsistent with the views or sensitivities of Aboriginal persons or Torres Strait Islanders because that matter is sacred or otherwise significant to those persons.”.

No. 10—Page 12, paragraph 18 (1) (a), line 40, after “States”, insert “, the Australian Capital Territory”.

No. 11—Page 14, after clause 21, insert the following new clause:

Loans, grants or guarantees not to be made without written application

“21A The Commission shall not approve a loan, grant or guarantee under this Division unless the Commission has received a written application in the prescribed form for the loan, grant or guarantee.”.

No. 12—Page 16, subclause 27 (1), line 20, leave out “Minister”, insert “Governor-General”.

No. 13—Page 17, subclause 29 (4), lines 1 to 5, leave out the subclause.

No. 14—Page 17, subclause 30 (2), lines 29 to 32, leave out the subclause, insert the following subclauses:

“(2) Subject to subsection (3), a person is not qualified to be appointed as a Commissioner if he or she:

(a) has been convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer; or

(b) has been convicted of an offence against a Commonwealth, State or Territory law involving dishonesty and sentenced to imprisonment for 3 months or longer.

“(3) Subsection (2) does not disqualify a person from being appointed as a Commissioner if:

(a) where the person was never actually imprisoned for the offence—at least 2 years have elapsed since the person was convicted;

- (b) where the person served a term of imprisonment for the offence—at least 2 years have elapsed since the person was released from prison; or
- (c) in any case—the Federal Court of Australia, on application by the person, declares that in spite of the person's conviction, he or she ought not to be disqualified from being appointed as a Commissioner.

“(4) The Federal Court of Australia has jurisdiction with respect to matters arising under subsection (3).”

No. 15—Pages 17 and 18, clause 31, line 33 (page 17) to line 13 (page 18), leave out the clause, insert the following clause:

Deputy Chairperson of Commission

“31. (1) At the first meeting of the Commission, the Commissioners shall elect one of their number to be the Deputy Chairperson of the Commission.

“(2) At any subsequent meeting of the Commission, the Commissioners:

- (a) may elect one of their number to be the new Deputy Chairperson of the Commission; and
- (b) shall elect one of their number to be the Deputy Chairperson of the Commission if there is a vacancy in the office of Deputy Chairperson of the Commission.”

No. 16—Page 19, after subclause 35 (1), insert the following new subclauses:

“(1A) The Minister may appoint a Commissioner to act as the Deputy Chairperson of the Commission:

- (a) during a vacancy in the office of Deputy Chairperson, whether or not a person has previously been elected as Deputy Chairperson; or
- (b) during any period, or during all periods, when the Deputy Chairperson is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office.

“(1B) The appointment of a person to act during a vacancy in the office of Deputy Chairperson of the Commission has effect until the next meeting of the Commission.”

No. 17—Page 20, after clause 36, insert the following new clause:

Disclosure of interests

“36A. (1) Each Commissioner shall make to the Minister a written disclosure of the financial interests of the Commissioner and the members of the Commissioner's immediate family equivalent to the disclosure of financial interests required to be made by officers of the Australian Public Service who are members of the Senior Executive Service.

“(2) A Commissioner shall make a disclosure under subsection (1) within one month after being appointed as a Commissioner.

“(3) A Commissioner shall from time to time make such further disclosures as are necessary to ensure that the information available to the Minister about the financial interests of that Commissioner and the members of his or her immediate family is up-to-date.

“(4) In this section:

‘Commissioner’ includes an acting Commissioner.”

No. 18—Page, subclause 38 (1), lines 15 to 17, leave out the subclause, insert the following subclauses:

“(1) Subject to subsection (1A), the Minister may suspend a Commissioner from office because of misbehaviour or physical or mental incapacity.

“(1A) The Minister shall not suspend a Commissioner from office unless the Minister has:

- (a) by written notice served on the Commissioner, giving the Commissioner 7 days within which to show cause why the Commissioner should not be suspended; and
- (b) consulted the Commission.”

- No. 19—Page 20, paragraph 38 (6) (a), lines 34 to 36, leave out the paragraph, insert the following paragraphs:
- “(a) is convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer;
 - (aa) is convicted of an offence against a Commonwealth, State or Territory law involving dishonesty and sentenced to imprisonment for 3 months or longer.”.
- No. 20—Page 21, after subclause 38 (6), insert the following new subclause:
- “(6A) If the Minister terminates the appointment of a Commissioner, the Minister must cause to be laid before each House of the Parliament, within 7 sitting days of that House after the termination, a statement:
- (a) identifying the Commissioner;
 - (b) stating that his or her appointment has been terminated; and
 - (c) setting out the ground of the termination.”.
- No. 21—Page 21, subclause 38 (7), line 4, before “voted”, insert “knowingly”.
- No. 22—Page 22, subclause 42 (1), line 3, leave out “such meetings”, insert “at least 4 meetings of the Commission in each calendar year, and may convene such other meetings”.
- No. 23—Page 22, subclause 42 (3), line 9, leave out “4”, insert “8”.
- No. 24—Page 23, subclauses 44 (1) and (2), lines 21 to 23, leave out the subclauses, insert the following subclauses:
- “(1) There shall be a Chief Executive Officer of the Commission who shall be appointed by the Minister.
 - “(2) The Minister shall not appoint a person as the Chief Executive Officer, except as the first Chief Executive Officer, unless the Commission agrees to the appointment.”.
- No. 25—Page 23, subclause 44 (5), lines 30 to 33, leave out the subclause.
- No. 26—Page 24, clause 47, line 12, after “may”, insert “, with the agreement of the Commission,”.
- No. 27—Page 24, clause 47, line 14, after “Minister”, insert “, with the agreement of the Commission,”.
- No. 28—Page 24, subclause 48 (1), line 16, after “may”, insert “, after consulting the Commission,”.
- No. 29—Page 24, subclause 49 (1), line 34, after “Minister”, insert “and the Commission”.
- No. 30—Page 25, clause 50, line 3, after “Minister”, insert “and the Commission”.
- No. 31—Page 25, subclause 51 (1), line 5, leave out “after consulting the Commission”, insert “with the agreement of the Commission”.
- No. 32—Page 25, subclause 51 (2), line 18, after “Minister”, insert “and the Commission”.
- No. 33—Page 25, clause 52, line 22, after “Minister”, insert “, with the agreement of the Commission,”.
- No. 34—Page 26, clause 56, line 10, leave out “, the Institute”.
- No. 35—Page 26, clause 56, line 11, leave out “, the Institute”.
- No. 36—Page 26, subclause 57 (1), lines 14 and 15, leave out “the first financial year that starts after”, insert “the financial year that starts on 1 July of the calendar year next after the calendar year in which”.
- No. 37—Page 26, subclause 57 (3), lines 22 to 24, leave out the subclause, insert the following subclause:
- “(3) Subject to subsections (4) and 65 (2), the money of the Commission shall not be spent, or paid into the Housing Fund, otherwise than in accordance with estimates of expenditure approved by the Minister.”.
- No. 38—Page 26, after subclause 57 (5), add the following new subclause:
- “(6) In this section:
‘money of the Commission’ does not include:
 - (a) money held in trust by the Commission;
 - (b) money in the Housing Fund; or

(c) money appropriated for the purposes of the Corporation or Aboriginal Hostels Limited.”.

No. 39—Page 26, clause 58, lines 36 and 37, leave out “the first financial year that starts after”, insert “the financial year that starts on 1 July in the calendar year next after the calendar year in which”.

No. 40—Page 27, subclause 59 (2), line 7, after “(4)”, insert “and 65 (2)”.

No. 41—Page 27, subclause 59 (7), definition of “money of the Commission”, paragraph (c), lines 35 and 36, leave out “, the Institute”.

No. 42—Page 29, paragraph 61 (4) (g), line 15, after “States”, insert “, the Australian Capital Territory.

No. 43—Page 29, paragraph 61 (4) (g), line 16, after “States”, insert “, the Australian Capital Territory.

No. 44—Page 29, paragraph 61 (4) (m), line 20, leave out the paragraph.

No. 45—Page 31, subclause 64 (2), definition of “money of the Commission”, paragraph (c), lines 9 and 10, leave out “, the Institute”.

No. 46—Page 33, after subclause 70(3), insert the following new subclause:

“(3A) The Commission shall include in each report prepared under subsection (1) the model rules for Regional Council meetings formulated under subsection 125 (12).”.

No. 47—Page 34, clause 72, lines 23 to 31, leave out the clause.

No. 48—Page 35, subclause 73 (3), line 3, after “Minister”, insert “for Finance”.

No. 49—Page 37, paragraph 83 (1) (a), lines 11 and 12, leave out the paragraph, insert the following paragraph:

“(a) a Chairperson appointed by the Minister, being:

- (i) where an appointment is made before the election of the first Commissioner representing the Torres Strait zone—a Torres Strait Islander who lives in the Torres Strait region; and
- (ii) in any case—the Commissioner who represents the Torres Strait zone; and”.

No. 50—Page 38, after clause 88, insert the following new clause in Part 2:

Secrecy

“88A. (1) This section applies to a person:

- (a) who is or has been a Commissioner or acting Commissioner;
- (b) who is or has been the Chief Executive Officer or acting Chief Executive Officer;
- (c) who is or has been a member of the staff of the Commission;
- (d) who is or has been engaged under section 54.

“(2) Subject to this section, a person to whom this section applies shall not, either directly or indirectly, except for the purposes of this Act, or of a prosecution for an offence against this Act:

- (a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person acquired by the first-mentioned person in the performance of duties in connection with an application for, or the giving of, a loan or guarantee under this Act; or
- (b) produce to any person a document relating to the affairs of another person furnished in connection with an application for, or the giving of, a loan or guarantee under this Act.

Penalty: \$2,000 or imprisonment for one year, or both.

“(3) A person to whom this section applies shall not be required:

- (a) to divulge or communicate to a court any information referred to in subsection (2); or
- (b) to produce in a court any document referred to in that subsection;

except when it is necessary to do so for the purposes of this Act, or of a prosecution for an offence against this Act.

“(4) A reference in this section to an offence against this Act includes a reference to an offence created by section 5, 6, 7, 7A, 29C or 29D, or subsection

86 (1), of the *Crimes Act 1914*, being an offence that relates to this Act or the regulations.

“(5) In this section:

‘court’ includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

‘produce’ includes permit access to;

‘this Act’ includes the regulations.”

No. 51—Page 39, paragraph 89 (4) (b), line 22, after “Minister,” insert “made after consulting the Australian Electoral Commission.”

No. 52—Page 40, paragraph 90 (2) (c), line 7, leave out “may”, insert “has the capacity to”.

No. 53—Page 41, clause 92, at end of clause, add the following new subclause:

“(2) Nothing in this section or in any other provision of this Act shall be read as conferring on a Regional Council a function of acquiring land except:

(a) for its administrative purposes; or

(b) for the purpose of the performance of functions expressly conferred on the Regional Council by this Act.”

No. 54—Page 42, paragraph 95 (5) (d), line 9, before “a program”, insert “except where the Commission, at the request of the Regional Council concerned, has approved the program for the purposes of this section—”.

No. 55—Page 42, paragraph 95 (5) (d), line 9, after “State”, insert “, the Australian Capital Territory”.

No. 56—Page 42, paragraph 95 (5) (d), line 10, after “State”, insert “, the Australian Capital Territory”.

No. 57—Page 42, paragraph 95 (5) (d), line 11, leave out “Institute”, insert “Australian Institute of Aboriginal and Torres Strait Islander Studies”.

No. 58—Page 43, paragraph 100 (c), line 26, leave out “or”.

No. 59—Page 43, paragraph 100 (d), lines 27 to 29, leave out the paragraph, insert the following paragraphs:

“(d) subject to subsection (2), the person has been convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer; or

(e) subject to subsection (2), the person has been convicted of an offence against a Commonwealth, State or Territory law involving dishonesty and sentenced to imprisonment for 3 months or longer.”

No. 60—Page 43, clause 100, at end of clause, add the following new subclauses:

“(2) In spite of subsection (1), a person covered by paragraph (1) (d) or (e) is not disqualified by that paragraph from standing for election, or being elected, as a member of a Regional Council if:

(a) where the person was never actually imprisoned for the offence—at least 2 years have elapsed since the person was convicted;

(b) where the person served a term of imprisonment for the offence—at least 2 years have elapsed since the person was released from prison; or

(c) in any case—the Federal Court of Australia, on application by the person, declares that in spite of the person’s conviction, he or she ought not to be disqualified from standing for election, or being elected, as a member of a Regional Council.

“(3) The Federal Court of Australia has jurisdiction with respect to matters arising under subsection (2).”

No. 61—Page 45, after clause 106, insert the following new clause:

Voting to be by secret ballot

“106A. Voting at Regional Council elections shall be by secret ballot.”

No. 62—Page 51, subclause 119 (1), lines 6 to 11, leave out the subclause, insert the following subclause:

“(1) Where the Commission is satisfied that a member of a Regional Council, since becoming, or last becoming, a member of the Regional Council:

- (a) has been convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer;
 - (b) has been convicted of an offence against a Commonwealth, State or Territory law involving dishonesty and sentenced to imprisonment for 3 months or longer; or
 - (c) has failed, without reasonable excuse, to comply with section 116;
- the Commission shall, in writing, declare that it is so satisfied.”.

No. 63—Page 53, subclause 125 (11), lines 35 and 36, leave out the subclause, insert the following subclauses:

“(11) Subject to subsections (12), (13) and (14), a Regional Council may regulate the conduct of proceedings at its meetings as it thinks fit and, in particular, may conduct its meetings in accordance with Aboriginal or Torres Strait Islander tradition and custom.

“(12) The Commission shall formulate model rules, not inconsistent with this Act, for the conduct of proceedings at meetings of Regional Councils.

“(13) A Regional Council may:

- (a) adopt the model rules for the conduct of proceedings at its meetings;
- (b) adopt the model rules for the conduct of proceedings at its meetings with such modifications, not inconsistent with this Act, as the Regional Council from time to time determines; or
- (c) formulate its own rules, not inconsistent with this Act, for the conduct of proceedings at its meetings.

“(14) Where a Regional Council has not adopted or formulated rules for the conduct of proceedings at its meetings under subsection (13), proceedings at meetings of the Regional Council shall be conducted in accordance with the model rules formulated by the Commission.”.

No. 64—Page 54, clause 127, lines 3 to 22, leave out the clause.

No. 65—Page 55, after clause 132, insert the following new clause:

Voting to be by secret ballot

“132A. Voting at zone elections shall be by secret ballot.”.

No. 66—Page 59, clause 143, lines 20 to 24, leave out the clause, insert the following clause:

Purposes of Corporation

“143. The Corporation is established:

- (a) to assist and enhance Aboriginal and Torres Strait Islander self-management an economic self-sufficiency; and
- (b) to advance the commercial and economic interests of Aboriginal persons and Torres Strait Islanders by accumulating and using a substantial capital asset for the benefit of the Aboriginal and Torres Strait Islander peoples.”.

No. 67—Page 59, clause 144, after paragraph (a), insert the following new paragraph:

“(aa) to promote and encourage Aboriginal and Torres Strait Islander self-management and economic self-sufficiency;”.

No. 68—Page 60, subclause 147 (2), lines 23 to 25, leave out the subclause, insert the following subclause:

“(2) The Corporation shall give a copy of the corporate plan to the Minister and may also give to the Minister a copy of any written comments by the Commission about the corporate plan.”.

No. 69—Page 60, subclause 147 (3), line 26, leave out “after consulting with the Commission,”.

No. 70—Page 60, after subclause 147 (3), add the following new subclauses:

“(4) The Minister shall cause a copy of the corporate plan to be laid before each House of the Parliament within 15 sitting days of that House after receipt by the Minister.

“(5) The Minister shall cause a copy of any notice given under subsection (3) to be laid before each House of the Parliament within 15 sitting days of that House after it is given.”

No. 71—Page 61, subclause 150 (2), line 26, leave out “the subject to”, insert “the subject of”.

No. 72—Page 61, subclause 151 (2), lines 32 and 33, leave out the subclause, insert the following subclauses:

“(2) The Corporation Board shall give the Minister the information he or she asks for.

“(3) The Corporation Board may give the Commission the information it asks for.”

No. 73—Page 62, subclause 154 (3), line 11, leave out the subclause, insert the following subclause:

“(3) Up to 3 of the Directors may be commissioners.”

No. 74—Page 62, subclause 154 (4), lines 12 to 14, leave out the subclause, insert the following subclause:

“(4) Each Director shall be a person who the Minister is satisfied has experience in:

(a) industry, commerce or finance; or

(b) a original or Torres Strait Islander community life or enterprises.”

No. 75—Page 62, clause 155, lines 15 to 28, leave out the clause, insert the following clause:

Selection of Directors

“155. Whenever there is, or is expected to be, a vacancy in an office of Director, the Minister may consult the Commission about a suitable appointee.”

No. 76—Page 62, subclause 156 (2), line 34, leave out “(not being a Commissioner)”.

No. 77—Page 62, subclause 156 (2), line 35, leave out “(not being a Commissioner)”.

No. 78—Page 64, subclause 162 (3), lines 32 to 34, leave out the subclause, insert the following subclause:

“(3) Where:

(a) 3 of the Directors are Commissioners; and

(b) a fourth Director becomes a Commissioner;

that fourth Director ceases to be a Director.”

No. 79—Page 65, subclause 164 (2), line 7, leave out “(including at least one Commissioner)”.

No. 80—Page 66, subclauses 164 (12) and (13), lines 7 to 11, leave out the subclauses.

No. 81—Pages 69 and 70, clause 183, line 20 (page 69) to line 8 (page 70), leave out the clause.

No. 82—Page 70, clause 184, lines 14 and 15, leave out “; and (b) provision for income tax”.

No. 83—Page 70, clause 185, lines 16 to 24, leave out the clause.

No. 84—Page 70, clause 187, lines 31 to 35, leave out the clause, insert the following clause:

Exemption from taxation

“187. The Corporation is not subject to taxation under any law of the Commonwealth or of a State or Territory.”

No. 85—Page 72, after clause 190, insert the following new clause in Part 4:

Telephone access to ATSIC offices

“190A. The Commission shall make provision for the development of a service which will enable a person to make a telephone call to the nearest regional

office of the Commission, at no greater cost than the cost of a local telephone call.”.

No. 86—Page 72, clause 191, lines 5 and 6, leave out “, or an officer of the Australian Public Service authorised by the Treasurer to give approvals under this section,”.

No. 87—Pages 73 and 74, clause 195, line 32 (page 73) to line 43 (page 74), leave out the clause.

No. 88—Page 85, after clause 218, insert the following new clause:

Operation of Superannuation Benefit (Interim Arrangement) Act

“218A. (1) The Superannuation Act and any related law apply in relation to any person who:

- (a) before the commencement, was employed by the old Commission; and
- (b) after the commencement, is employed under the *Public Service Act 1922* in the new Commission;

as if:

- (c) the person’s employer was in each case the same body; and
- (d) the continuity of the person’s employment was not affected by the abolition of the old Commission and the establishment of the new Commission.

“(2) The Superannuation Act and any related law apply in relation to any person who:

- (a) before the commencement, was employed by Aboriginal Hostels Limited; and
- (b) after the commencement, is employed under the *Public Service Act 1922* in Aboriginal Hostels Limited;

as if:

- (c) the person’s employer was in each case the same body; and
- (d) the continuity of the person’s employment was not affected by the changes made by this Act to the staffing arrangements in respect of Aboriginal Hostels Limited.

“(3) In this section:

‘related law’ means any law of the Commonwealth to the extent that it relates to the superannuation benefits covered by the Superannuation Act; ‘Superannuation Act’ means the *Superannuation Benefit (Interim Arrangement) Act 1988*.”.

No. 89—Page 85, clause 221, lines 33 to 35, leave out the clause.

No. 90—Page 87, paragraph 226 (2) (b), proposed paragraph 23E (3) (ba), lines 7 to 10, leave out the proposed paragraph, insert the following paragraph:

“(ba) to:

- (i) a member of the Aboriginal and Torres Strait Islander Commission;
- (ii) the Chief Executive Officer of that Commission; or
- (iii) a member of the staff of that Commission approved by the Chief Executive Officer; or”.

No. 91—Page 91, SCHEDULE 1, Column B, insert “Deakin” under “Alice Springs”.

No. 92—Page 91, SCHEDULE 1, Column B, leave out “Canberra”.

On the motion of Mr Hand (Minister for Aboriginal Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

35 ABORIGINAL DEVELOPMENT COMMISSION AMENDMENT BILL 1989—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 2, paragraph 4 (a), lines 13 and 14, leave out “on any matter specified by the Minister”, insert “about the operations of the Commission or about this Act”.
- No. 2—Page 2, clause 5, after proposed subsection 10A (3), add the following new subsection:
 “(4) The Commission is not required to comply with any general direction given by the Minister about the contents of the corporate plan.”.
- No. 3—Page 4, clause 12, proposed subsection 32A (1), line 34, leave out “by the Minister after consulting the Commission”, insert “by the Commission after consulting the Minister”.
- No. 4—Page 5, clause 12, proposed subsection 32A (4), lines 3 to 6, leave out the proposed subsection, insert the following subsection:
 “(4) The Commission shall, when requested by the Minister, provide information or advice to the Minister about the operations of the Commission or about this Act.”.
- No. 5—Page 5, clause 12, proposed section 32C, line 18, leave out “Minister”, insert “Commission”.
- No. 6—Page 5, clause 12, proposed subsection 32D (1), line 22, leave out “Minister”, insert “Commission”.
- No. 7—Page 6, clause 12, proposed subsection 32E (1), line 2, leave out “Minister”, insert “Commission”.
- No. 8—Page 6, clause 12, proposed section 32F, line 12, leave out “Minister”, insert “Commission”.
- No. 9—Page 6, clause 12, proposed subsection 32G (1), line 14, leave out “Minister may, after consulting the Commission”, insert “Commission may, after consulting the Minister”.
- No. 10—Page 6, clause 12, proposed subsection 32G (2), line 27, leave out “Minister”, insert “Commission”.
- No. 11—Page 6, clause 12, proposed section 32H, line 31, leave out “Minister”, insert “Commission”.
- No. 12—Page 7, after subclause 13 (2), add the following new subclauses:
 “(3) The Superannuation Act and any related law apply in relation to any person who:
 (a) before the commencement, was employed by the Commission; and
 (b) after the commencement, is employed under the *Public Service Act 1922* in the Commission;
 as if:
 (c) the person’s employer was in each case the same body; and
 (d) the continuity of the person’s employment was not affected by the changes made by this Act to the staffing arrangements in respect of the Commission.
 “(4) In subsection (3):
 ‘related law’ means any law of the Commonwealth, to the extent that it relates to the superannuation benefits covered by the Superannuation Act;
 ‘Superannuation Act’ means the *Superannuation Benefit (Interim Arrangement) Act 1988*.”.
- No. 13—Pages 7 and 8, clause 15, line 26 (page 7) to line 4 (page 8), leave out the clause, insert the following clause:
 “15. After section 39 of the Principal Act the following section is inserted:
Finance Directions
 ‘39A. (1) The Commission shall prepare and submit to the Minister written directions (including modifications prepared under subsection (3)), not inconsistent

with this Act or the regulations, about the administration of the Commission's finances.

'(2) The directions may apply, adopt or incorporate, with or without modifications, directions given under the *Audit Act 1902* by the Minister for Finance, or the Secretary to the Department of Finance, being such directions as in force at a particular time or as in force from time to time.

'(3) The Minister shall consider directions prepared under this section and shall approve them or return them to the Commission with a written statement requesting modifications and explaining the reasons for the modifications.

'(4) The Commission shall comply with an approved Finance Direction even if it is inconsistent with the corporate plan.

'(5) Without limiting the operation of the *Freedom of Information Act 1982*, the Commission shall ensure that copies of the approved Finance Directions are available for inspection and purchase at each office of the Commission.

'(6) The General Manager shall cause notice of the approval of Finance Directions under this section to be published in the *Gazette*.

'(7) In this section, "approved Finance Direction" means a direction approved by the Minister under subsection (3).

'(8) Directions approved by the Minister and any written statement by the Minister under subsection (3) shall be laid by the Minister before each House of the Parliament not later than 5 sitting days of that House after the date of the Minister's approval.'"

On the motion of Mr Hand (Minister for Aboriginal Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

- 36 AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES BILL 1989—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 2, clause 3, definition of "Chief Executive Officer", lines 11 and 12, leave out the definition.
- No. 2—Page 2, clause 3, definition of "Commissioner", line 17, leave out the definition.
- No. 3—Page 3, after subclause 6 (1), insert the following new subclause:
 "(1A) The powers of the Institute under subsection (1) include, but are not limited to, the following powers:
 (a) to accept gifts, grants, bequests and devises made to it;
 (b) to act as trustee of money and other property vested in it on trust."
- No. 4—Page 5, subclause 12 (2), lines 17 and 18, leave out the subclause.
- No. 5—Page 7, subclause 21 (3), lines 31 to 34, leave out the subclause.
- No. 6—Page 8, subclause 23 (4), line 15, leave out "including at least one Commissioner".—
- No. 7—Pages 8 and 9, subclauses 23 (10 and (11), line 37 (page 8) to line 3 (page 9), leave out the subclauses.
- No. 8—Page 10, subclauses 31 (2) and (3), lines 20 to 24, leave out the subclauses.

No. 9—Page 11, before clause 36, insert the following new clauses in Part 9:

Money payable to the Institute

“35A. (1) There is payable to the Institute such money as is appropriated by the Parliament for the purposes of the Institute.

“(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, money so appropriated is to be paid to the Institute.

Estimates

“35B. (1) The Council shall prepare estimates, in such form as the Minister directs, of the receipts and expenditure of the Institute for each financial year and, if the Minister so directs, for any other period specified by the Minister, and the Council shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

“(2) The money of the Institute, other than money held on trust, shall not be spent otherwise than in accordance with estimates of expenditure approved by the Minister.”.

No. 10—Page 11, before clause 39, insert the following new clause in Part 10:

Certain information not to be disclosed

“38A. (1) Where information or other matter has been deposited with the Institute under conditions of restricted access, the Institute or the Council shall not disclose that information or other matter except in accordance with those conditions.

“(2) The Institute or the Council shall not disclose information or other matter held by it (including information or other matter covered by subsection (1)) if that disclosure would be inconsistent with the views or sensitivities of relevant Aboriginal persons or Torres Strait Islanders.”.

No. 11—Pages 11 and 12, clauses 39, line 32 (page 11) to line 3 (page 12), leave out the clause, insert the following clause:

Informing Minister and Commission about general conduct of Institute

“39. (1) The Council shall:

- (a) from time to time inform the Minister about the general conduct of the activities of the Institute; and
- (b) give to the Minister such information about the activities of the Institute as the Minister from time to time requires.

“(2) The Council may from time to time inform the Commission about the general conduct of the activities of the Institute.

“(3) Where the Council receives a request from the Commission for information about the activities of the Institute, the Council may give to the Commission such information relating to the activities of the Institute as the Council thinks appropriate.”.

No. 12—Page 12, subclause 40 (2), lines 8 to 16, leave out the subclause, insert the following subclauses:

“(2) The Council:

- (a) shall comply with a request under subsection (1) made by the Minister; and
- (b) may comply with a request under subsection (1) made by the Commission.

“(2A) The Council may, in response to a request under subsection (1):

- (a) prepare its advice having regard only to any relevant information that is already in the possession of the Institute; or
- (b) if the Council considers it appropriate to do so—arrange for the conduct of research into the matter to which the request relates by or on behalf of the Institute, and prepare its advice having regard to that research and to any other relevant information that is otherwise in the possession of the Institute.”.

No. 13—Page 12, subclause 40 (3), lines 17 to 23, leave out the subclause.

No. 14—Page 12, clause 41, lines 24 to 28, leave out the clause.

No. 15—Page 16, clause 50, lines 5 to 10, leave out the clause, insert the following clause:

Interim Council

“50. (1) This section applies in spite of anything in Part 5.

“(2) The persons who, immediately before the commencement, were members of the Council of the old Institute hold office as members of the Council of the new Institute during the transitional period.

“(3) Appointments of persons to the Council made under paragraphs 12 (1) (b) and (c) during the transitional period take effect at the end of the transitional period.

“(4) If, immediately after the transitional period, not all positions on the Council have been filled, then, until persons have been appointed to all positions on the Council, the quorum at a meeting of the Council is constituted by a majority of the number of members of the Council holding office on the day of the meeting.

“(5) In this section:

‘transitional period’ means the period starting at the commencement and ending:

(a) 3 months later; or

(b) when the results of the first elections held under paragraph 12 (1) (a) are declared;

whichever is earlier.”

No. 16—Page 17, after clause 54, insert the following new clause:

Research Advisory Committee

“54A. (1) A member of the Research Advisory Committee appointed under paragraph 31 (1) (a) during the transitional period ceases to hold office as a member of the Research Advisory Committee at the end of the transitional period.

“(2) Until persons have been appointed or elected to all the positions on the Research Advisory Committee covered by paragraphs 31 (1) (a) and (b), the quorum at a meeting of the Research Advisory Committee is constituted by a majority of the number of members of the Research Advisory Committee holding office on the day of the meeting.

“(3) In this section:

‘transitional period’ has the same meaning as it has in section 50.”

No. 17—Page 19, after clause 60, insert the following new clause:

Operation of Superannuation Benefit (Interim Arrangement) Act

“60A. (1) The Superannuation Act and any related law apply in relation to any person who:

(a) before the commencement, was employed by the old Institute; and

(b) after the commencement, is employed under the *Public Service Act 1922* in the new Institute;

as if:

(c) the person’s employer was in each case the same body; and

(d) the continuity of the person’s employment was not affected by the abolition of the old Institute and the establishment of the new Institute.

“(2) In this section:

‘related law’ means any law of the Commonwealth, to the extent that it relates to the superannuation benefits covered by the Superannuation Act;

‘Superannuation Act’ means the *Superannuation Benefit (Interim Arrangement) Act 1988*.”

On the motion of Mr Hand (Minister for Aboriginal Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

37 SUSPENSION OF STANDING AND SESSIONAL ORDERS—BILLS—LIMITATION OF DEBATE: Mr Kerin (Minister for Primary Industries and Energy), for Mr Beazley (Leader of the House), pursuant to notice, moved—That in relation to the proceedings on the following Bills, so much of the standing and sessional orders be suspended as would prevent the Leader of the House making one declaration of urgency and moving one motion for the allotment of time in respect of all the Bills:

States Grants (Schools Assistance) Amendment Bill (No. 2) 1989;
 Higher Education Funding Amendment Bill (No. 2) 1989;
 Student Assistance Amendment Bill (No. 2) 1989;
 States Grants (TAFE Assistance) Bill 1989;
 Overseas Students Charge Amendment Bill 1989;
 Aboriginal Education (Supplementary Assistance) Bill 1989;
 University of Canberra Bill 1989;
 Primary Industries and Energy Research and Development Bill 1989;
 Taxation Laws Amendment Bill (No. 4) 1989;
 Aboriginal Land Rights (Northern Territory) Amendment Bill 1989; and
 Customs Tariff Amendment Bill (No. 4) 1989.

Debate ensued.

Question—put.

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

AYES, 67

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

NOES, 49

Mr Aldred	Mr Cobb	Mr Lloyd	Mr Sharp
Mr Anderson	Mr Connolly	Mr McArthur	Mr Shipton
Mr Andrew	Mr Dobie	Mr McGauran	Mr Sinclair
Mr Beale	Mr Downer	Mr MacKellar	Mr Spender
Mr Blunt	Dr H. R. Edwards	Mr Macphee	Mrs Sullivan
Mr Braithwaite	Mr Fife	Mr Miles	Mr Taylor
Mr N. A. Brown	Mr T. A. Fischer	Mr Millar	Mr Webster
Mr Burr	Mr Hall	Mr Nehl	Mr Wilson
Mr Cadman	Mr Halverson	Mr Pratt	Dr Wooldridge
Mr D. M. Cameron	Mr Hawker*	Mr Prosser	
Mr E. C. Cameron	Dr Hewson	Mr Reith	
Mr I. M. D. Cameron	Mr Hicks*	Mr Rocher	
Mr Carlton	Mr Jull	Mr Ruddock	

* Tellers

And so it was: resolved in the affirmative.

38 DECLARATION OF BILLS AS URGENT BILLS—LIMITATION OF DEBATE: Mr Kerin (Minister for Primary Industries and Energy) declared that the States Grants (Schools Assistance) Amendment Bill (No. 2) 1989, Higher Education Funding Amendment Bill (No. 2) 1989, Student Assistance Amendment Bill (No. 2) 1989, States Grants (TAFE Assistance) 1989, Overseas Students Charge Amendment Bill 1989, Aboriginal Education (Supplementary Assistance) Bill

1989, University of Canberra Bill 1989, Primary Industries and Energy Research and Development Bill 1989, Taxation Laws Amendment Bill (No. 4) 1989, Aboriginal Land Rights (Northern Territory) Amendment Bill 1989 and Customs Tariff Amendment Bill (No. 4) 1989 were urgent Bills.

Question—That the Bills be considered urgent Bills—put.

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

AYES, 67

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

NOES, 49

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

* Tellers

And so it was resolved in the affirmative.

Allotment of time: Mr Kerin then moved—That the time allotted in connection with the Bills be as follows:

- (1) States Grants (Schools Assistance) Amendment Bill (No. 2) 1989—For the remaining stages, until 10.10 p.m. this day.
- (2) Higher Education Funding Amendment Bill (No. 2) 1989—For the remaining stages, until 10.15 p.m. this day.
- (3) Student Assistance Amendment Bill (No. 2) 1989—For the remaining stages, until 10.20 p.m. this day.
- (4) States Grants (TAFE Assistance) Bill 1989—For the remaining stages, until 10.25 p.m. this day.
- (5) Overseas Students Charge Amendment Bill 1989—For the remaining stages, until 10.30 p.m. this day.
- (6) Aboriginal Education (Supplementary Assistance) Bill 1989—For the remaining stages, until 10.35 p.m. this day.
- (7) University of Canberra Bill 1989—
 - (a) For the second reading, until 11.25 p.m. this day;
 - (b) For the committee stage, until 11.28 p.m. this day;
 - (c) For the remaining stages, until 11.30 p.m. this day.
- (8) Primary Industries and energy Research and Development Bill 1989—
 - (a) For the second reading, until 12.20 a.m. on Friday, 3 November;
 - (b) For the committee stage, until 12.23 a.m. on Friday, 3 November;
 - (c) For the remaining stages, until 12.25 a.m. on Friday, 3 November.

- (9) Taxation Laws Amendment Bill (No. 4) 1989—
 (a) For the second reading, until 1.45 a.m. on Friday, 3 November;
 (b) For the committee stage, until 1.48 a.m. on Friday, 3 November;
 (c) For the remaining stages, until 1.50 a.m. on Friday, 3 November.
- (10) Aboriginal Land Rights (Northern Territory) Amendment Bill 1989—
 (a) For the second reading, until 2.25 a.m. on Friday, 3 November;
 (b) For the committee stage, until 2.28 a.m. on Friday, 3 November;
 (c) For the remaining stages, until 2.30 a.m. on Friday, 3 November.
- (11) Customs Tariff Amendment Bill (No. 4) 1989—For the remaining stages, until 5 p.m. on Tuesday, 21 November.

Debate ensued.

Question—put.

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

AYES, 67

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

NOES, 48

Mr Aldred	Mr Cobb	Mr Hicks*	Mr Prosser
Mr Anderson	Mr Connolly	Mr Howard	Mr Reith
Mr Andrew	Mr Cowan	Mr Jull	Mr Rocher
Mr Beale	Mr Dobie	Mr Lloyd	Mr Ruddock
Mr Braithwaite	Mr Downer	Mr McArthur	Mr Sharp
Mr N. A. Brown	Dr H. R. Edwards	Mr McGauran	Mr Shipton
Mr Burr	Mr Fife	Mr MacKellar	Mr Sinclair
Mr Cadman	Mr T. A. Fischer	Mr Macphie	Mr Spender
Mr D. M. Cameron	Mr Hall	Mr Miles	Mr Taylor
Mr E. C. Cameron	Mr Halverson	Mr Millar	Mr Webster
Mr I. M. D. Cameron	Mr Hawker*	Mr Nehl	Mr Wilson
Mr Carlton	Dr Hewson	Mr Pratt	Dr Wooldridge

* Tellers

And so it was resolved in the affirmative.

- 39 STATES GRANTS (SCHOOLS ASSISTANCE) 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—

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

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

Message from the Governor-General: Message No. 256, dated 31 October 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

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

- 40 **HIGHER EDUCATION FUNDING 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—
Limitation of debate: The time allotted for the remaining stages of the Bill having expired—
 Question—That the Bill be now read a second time—put and passed—Bill read a second time.
Message from the Governor-General: Message No. 257, dated 31 October 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.
 Question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.
- 41 **STUDENT ASSISTANCE 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.
 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.
- 42 **STATES GRANTS (TAFE ASSISTANCE) 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 10.25 p.m., the 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 second time—put and passed—Bill read a second time.
Message from the Governor-General: Message No. 258, dated 31 October 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.
 Question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.
- 43 **OVERSEAS STUDENTS 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—
 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 Kerin (Minister for Primary Industries and Energy), the Bill was read a third time.
- 44 **ABORIGINAL EDUCATION (SUPPLEMENTARY ASSISTANCE) 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 10.35 p.m., the 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 second time—put and passed—Bill read a second time.
Message from the Governor-General: Message No. 259, dated 31 October 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

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

45 UNIVERSITY OF CANBERRA 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 Reith 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 be condemned for the turmoil caused to Australia’s higher education system by its use of financial blackmail, centralised control, bureaucratic administration and other heavy-handed tactics to implement its ill conceived education policies”.

Debate continued.

Amendment negatived.

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

Message from the Governor-General: Message No. 260, dated 31 October 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

Clause 1 to 4, by leave, taken together and agreed to.

Clause 5—

On the motion of Mr Dawkins (Minister for Employment, Education and Training), the following amendment was made, after debate: Page 3, line 20, before subparagraph (3) (a) (i) insert the following subparagraph:

“(ia) ‘2’ were omitted from paragraph (1) (c) and ‘3’ were substituted; and”.

Clause, as amended, agreed to.

Clauses 6 to 10, by leave, taken together, and agreed to.

Clause 11—

On the motion of Mr Dawkins, the following amendment was made, after debate: Page 5, line 30, after “University” insert “and of the College”.

Clause, as amended, agreed to.

Clause 12—

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

Qualifications for membership of Council

“12. (1) A person is not qualified to become or remain a member of the Council (other than the Vice-Chancellor) if the person:

(a) is under 18;

(b) is an undischarged bankrupt or a person in respect of whom there is in operation a composition, deed of arrangement or deed of assignment with the person’s creditors under the law relating to bankruptcy; or

(c) has been convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer.

“(2) Disqualification under subsection (1) is to expire two years from the date of conviction or the date of release from prison, whichever is the later.”.

Clauses 13 to 40, by leave, taken together and agreed to.

Proposed new clause—

Mr Reith moved—That the following new clause be inserted in the Bill: Page 17, after clause 40 insert the following new clause:

Compulsory membership of associations etc. prohibited

“40A. Nothing in this Act shall be taken to empower the Council to make Statutes:

- (a) that would make it compulsory for a student to be a member of an organisation of students;
- (b) that would make it compulsory for a student to pay fees or other charges to an organisation of students unless the student voluntarily undertakes to be a member of the organisation; or
- (c) that would make it compulsory for a student to pay fees or other charges in respect of the provision of amenities or services that are not of an academic nature except use by the student of those amenities or services.”

Debate ensued.

Limitation of debate: At 11.28 p.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 new clause 40A be agreed to—put and negatived.

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

The House resumed; Mr Millar reported accordingly.

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

46 PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT 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 Lloyd (Deputy Leader of the National Party of Australia)—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 Bill should include provision for representative organisations of a primary industry (as defined in the Bill) or class of primary industry to receive direct voluntary contributions from commercial companies for research and development, and for the contributions to attract a matched Commonwealth contribution on the same basis that funds raised by way of industry levy will attract a Commonwealth contribution, provided that such contributions:

- (1) are not also eligible for the 150% tax deduction or for any additional Commonwealth research and development incentive scheme; and
- (2) are within agreed limits such as the 0.5% of the gross value of the product stipulated by the Commonwealth for matching contributions”.

Debate continued.

The House continuing to sit until after 12 midnight

FRIDAY 3 NOVEMBER 1989

Debate continued.

Amendment negatived.

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

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 261, dated 17 October 1989, recommending an appropriation of revenue for the purposes of the Bill: and

No. 262, dated 31 October 1989, recommending an appropriation of revenue for the purposes of amendments and new clauses to be moved to the Bill by a Minister.

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 Lloyd, by leave, the following amendments were made together:

Clause 20, page 13, after subclause (3) insert the following subclause:

“(3A) Where an R&D plan of an R&D Corporation is approved by the Minister, the Corporation is, no later than one month after the day on which it is approved by the Minister, to notify the approval to each of the representative organisations of the primary industry or class of primary industries in respect of which the Corporation was established.”.

Clause 26, page 17, after subclause (7) insert the following subclause:

“(7A) Where the Minister approves an annual operational plan or the variation of the plan (as the case may be), the Corporation is, no later than one month after the day on which it is approved by the Minister, to notify the approval to each of the representative organisations of the primary industry or class of primary industries in respect of which the Corporation was established.”.

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

Clause 4, page 4, at the end of the definition of “primary industry” add “; but does not include the production of coal”.

Clause 152, page 69, omit the clause.

Clause 154, page 70, omit subclause 1, substitute the following subclause:

“(1) Where a Research Fund is abolished under subsection 150 (1), the Trust Account that, for the purposes of section 62A of the *Audit Act 1901*, constitutes the Research Fund is to be taken to have been closed under subsection 62A (4) of that Act.”.

Debate continued.

Amendments negatived.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), by leave, the following amendments were made together:

Amendments—

Clause 30, page 19, line 20, after “subsection (1)” insert “, or under section 37A or 38,”.

New clause—

Page 22, after clause 37 insert the following new clause:

Payment of amounts of levy where levies redirected

“37A. Where:

- (a) a levy becomes attached to an R&D Corporation; and
- (b) immediately before becoming so attached, the levy was attached to another R&D Corporation (in this section called the “other Corporation”) or to an R&D Fund; and
- (c) while the levy was attached to the other Corporation, or to the R&D Fund, the Commonwealth was obliged to pay money to the other Corporation under paragraph 30 (1) (a) or into the Fund under paragraph 108 (1) (a); and
- (d) the Commonwealth had not so paid the money before the levy became attached to the first-mentioned Corporation;
- (e) the Commonwealth must pay the money to the first-mentioned Corporation; and
- (f) notwithstanding paragraph 30 (1) (a) or 108 (1) (a), as the case may be, the Commonwealth ceases, from the time the levy becomes so attached, to be obliged to pay the money to the other Corporation, or into the Fund, as the case may be.”.

Amendments—

Clause 43, page 24, line 18, omit “section 41”, substitute “section 42”.

Clause 108, page 45, line 18, after "subsection (1)" insert " or under section 115A or 116,".

New clause—

Page 48, after clause 115 insert the following new clause:

Payment of amounts of levy where levies redirected

"115A. Where:

- (a) a levy becomes attached to an R&D Fund; and
- (b) immediately before becoming so attached, the levy was attached to an R&D Corporation or to another R&D Fund (in this subsection called the "other Fund"); and
- (c) while the levy was attached to the R&D Corporation, or to the other Fund, the Commonwealth was obliged to pay money to the Corporation under paragraph 30 (1) (a) or into the other Fund under paragraph 108 (1) (a); and
- (d) the Commonwealth had not so paid the money before the levy became attached to the first-mentioned Fund;

then:

- (e) the Commonwealth must pay the money to the first-mentioned Fund; and
- (f) notwithstanding paragraph 30 (1) (a) or 108 (1) (a), as the case may be, the Commonwealth ceases, from the time the levy becomes so attached, to be obliged to pay the money to the R&D Corporation, or into the other Fund, as the case may be."

Amendments—

Clause 116, page 48, line 40, omit "or class".

Clause 148, page 66, at the end of the clause add the following subclause:

"(2) Before making a regulation for the purposes of section 56 declaring that Division 7 of Part 2 applies to an R&D Corporation, the Governor-General is to take into consideration any relevant recommendation made to the Minister by any of the Corporation's representative organisations."

Clause 150, page 67, at the end of subclause (2) add the following word and paragraph:

"; and (f) if an amount that was payable, in connection with the levy or with the primary industries or class of primary industries to which the levy relates, by the Commonwealth into the Research Fund under subsection 7 (1) of the *Rural Industries Research Act 1985* has not been paid before the levy becomes so attached, on the levy becoming so attached:

- (i) the amount is payable by the Commonwealth to the Corporation; and
- (ii) notwithstanding subsection 7 (1) of that Act, the Commonwealth ceases to be obliged to pay the money into the Research Fund."

Clause 150, page 68, at the end of subclause (3) add the following word and paragraph:

"; and (f) if an amount that was payable, in connection with the levy or with the primary industries or class of primary industries to which the levy relates, by the Commonwealth into the Research Fund under subsection 7 (1) of the *Rural Industries Research Act 1985* has not been paid before the levy becomes so attached, on the levy becoming so attached:

- (i) the amount is payable by the Commonwealth to the RIR&D Corporation for the purposes of the R&D Fund; and
- (ii) notwithstanding subsection 7 (1) of that Act, the Commonwealth ceases to be obliged to pay the money into the Research Fund."

Clause 150, page 68, at the end of the clause add the following subclause:

“(4) Where:

- (a) a levy becomes attached to an R&D Corporation or R&D Fund under section 5; and
- (b) as a result, the levy ceases under subsection (1) to be attached to a Research Fund; and
- (c) the amount (in this subsection called the “**matched amount**”) equal to the sum of the amounts of money that had been paid or were payable into the Research Fund under paragraph 7 (1) (b) of the *Rural Industries Research Act 1985* in respect of the levy immediately before the levy becomes so attached is less than the amount (in this subsection called the “**maximum matching amount**”) equal to the difference between:
 - (i) the sum of the Fund credits (within the meaning of section 39A of the *Rural Industries Research Act 1985*) in relation to the levy immediately before the levy becomes so attached; and
 - (ii) the sum of the refunds (within the meaning of that section) in relation to the levy immediately before the levy becomes so attached;

an amount equal to the difference between the maximum matching amount and the matched amount is to be taken, for the purposes of section 31 and 109, to be an amount paid to the Corporation under subparagraph 30 (1) (a) (i), or an amount paid into the Fund under subparagraph 108 (1) (a) (i), as the case may be.”

Clause 155, page 71, at the end of subclause (3) add the following word and paragraph:

“; and (e) if an amount was payable by the Commonwealth into the Special Research Fund under section 34 of the *Rural Industries Research Act 1985* but has yet to be paid, the amount is payable to the RIR&D Corporation.”

Clause 155, page 71, line 23, after “(3) (a)” insert “or (e)”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Blanchard reported accordingly.

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

47 **TAXATION LAWS AMENDMENT BILL (NO. 4) 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:

- (1) deplores the Government’s economic mismanagement and, in particular, its record as the highest taxing government in Australia’s post-war history; and
- (2) calls on the Government to allow a full cost factor to be taken into account in determining the capital gains tax liability of sub-leasing”.

Debate continued.

Limitation of debate: At 1.45 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—

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 P. F. Morris (Minister Assisting the Treasurer), by leave, the following amendments were made together:

Clause 7, page 5, lines 16 and 17, omit from proposed subsection (3A) "this section and sections 73C and 73D apply as if the partnership were an eligible company.", substitute "the following paragraphs have effect:

- (c) each partner is to be taken for the purposes of this section and sections 73C and 73D to have incurred so much (if any) of the expenditure as was incurred out of money contributed by the partner (otherwise than by way of loan), whether in the year of income in which the expenditure was incurred or a previous year of income;
- (d) if the partnership has, whether before or after the commencement of this subsection, received, or become entitled to receive, a recoupment of, or a grant in respect of, the whole or any part of the expenditure, each partner is to be taken for the purposes of this section and sections 73C and 73D to have received, or become entitled to receive, so much (if any) of the recoupment or grant as is calculated in accordance with the formula:

$$\frac{\text{amount of recoupment or grant} \times \text{partner's contribution}}{\text{total contribution;}}$$

where:

'partner's contribution' means the total contribution made (otherwise than by way of loan) by the partner to the funds of the partnership as at the time when the recoupment or grant was received or the entitlement to the recoupment or grant arose, as the case may be;

'total contribution' means the total of the contributions made (otherwise than by way of loan) by all the partners to the funds of the partnership as at the time when the recoupment or grant was received or the entitlement to the recoupment or grant arose, as the case may be;

- (e) any expenditure that a partner is to be so taken to have incurred, and any recoupment or grant that a partner is to be so taken to have received or become entitled to receive, is not to be taken into account in determining the net income of the partnership or any partnership loss, as the case may be, of the year of income; and
- (f) subject to paragraphs (c), (d) and (e), this section and sections 73C and 73D apply in relation to each such partner that is an eligible company as if that partner, and not the partnership, were, or had been, carrying on the relevant project and activities, but so apply with such modifications to those sections as are appropriate having regard to the partner's interest in the partnership."

Clause 8, page 7, line 29, after "1987" insert "and in respect of which this section applies to the company,".

Limitation of debate: At 1.48 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 Blanchard reported accordingly.

On the motion of Mr P. F. Morris, the House adopted the report.

Mr P. F. Morris moved—That the Bill be now read a third time.

Debate ensued.

Limitation of debate: At 1.50 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 read a third time—put and passed—Bill read a third time.

48 PAPERS: Mr P. F. Morris (Minister for Industrial Relations) presented the following papers:

Primary Industries and Energy Research and Development Bill 1989—

Supplementary explanatory memorandum.

Erratum to supplementary explanatory memorandum.

49 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) 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.

Paper: Mr Miles, by leave, presented the following paper:

Aboriginal Land Rights (Northern Territory) Amendment Bill 1989—Letter to Mr Hand, Minister for Aboriginal Affairs, from Senator G. Tambling, dated 1 November 1989.

Debate continued.

Limitation of debate: At 2.25 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, take as a whole.

Mr Hand (Minister for Aboriginal Affairs), by leave, moved the following amendments together:

Clause 3, page 2, lines 16 and 17, omit paragraph (d) of the proposed definition of “exploration licence”.

Clause 3, page 2, lines 27-39, omit paragraph (a) of the proposed definition of “intending miner”.

Clause 9, page 5, omit the clause.

Limitation of debate: at 2.28 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 Blanchard reported accordingly.

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

50 ADJOURNMENT: Mr Hand (Minister for Aboriginal Affairs) moved—That the House do now adjourn.

Question put and passed.

And then the House, at 2.30 a.m., adjourned until Tuesday, 21 November 1989, at 2 p.m.

PAPER: The following paper was deemed to have been presented on 2 November 1989:

Meat Inspection Act—Meat Inspection (Orders) Regulations—Order—1989—No. 4—Meat Inspection (General) as amended (Amendment).

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Adermann, Mr Charles, Mrs Child, Mr Cohen, Mr Cross, Mrs Darling, Mr P. S. Fisher*, Mr Katter*, Mr Keating, Dr Klugmann*, Mr Langmore, Mr Moore, Mr Mountford, Mr Porter, Mr Robinson, Mr Smith, Mr Tuckey and Mr White.

* On leave

A. R. BROWNING
Clerk of the House of Representatives