

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 157

THURSDAY, 21 DECEMBER 1989

1 The House met, at 10 a.m., according to the terms of the resolution of 30 November last. Mr Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.

2 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—ROUTINE OF BUSINESS, ADJOURNMENT AND NEW BUSINESS:** Mr Beazley (Leader of the House), by leave, moved—That:

(1) so much of the standing and sessional orders be suspended as would prevent the ordinary routine of business for the remainder of the week being as follows:

(a) on Thursday, 21 December 1989:

1. Privilege—order of the day,
2. Presentation of petitions,
3. Notices and orders of the day,
4. Questions without notice (at 2 p.m.),
5. Presentation of papers,
6. Ministerial statements, by leave,
7. Matter of public importance,
8. Notices and orders of the day; and

(b) on Friday, 22 December 1989—notices and orders of the day;

- (2) sessional order 101A (interruption for question time) apply to this sitting;
- (3) sessional order 101A (interruption for question time) be suspended for the sitting on Friday, 22 December 1989; and
- (4) sessional order 48A (adjournment of House) and standing order 103 (11 o'clock rule) be suspended for this sitting.

Debate ensued.

Question—put and passed.

3 **PRIVILEGES COMMITTEE—REPORT:** The order of the day having been read for the consideration of the report of the Committee of Privileges relating to the matter referred to the committee on 23 November 1989—

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

- (1) the House agrees with the finding and recommendations of the committee and calls upon the honourable Member for Bruce to withdraw the allegation and apologise to the House; and
- (2) in the event of the honourable Member for Bruce not withdrawing and apologising, a motion be moved "That the honourable Member for Bruce be suspended from the service of the House for 2 sitting days including today".

Debat: ensued.

Papers: Mr Gear (Chairman of Committee of Privileges), by leave, presented the following papers:

Privileges Committee—Report on matter referred to the committee on 23 November 1989—

Minutes of proceedings of meeting held on 30 November 1989.

Proof transcript of evidence taken on 28 and 30 November 1989.

Debate continued.

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

Question—That the question be now put—put.

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

AYES, 76

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

NOES, 50

| | | | |
|------------------|------------------|--------------|---------------|
| Mr Adermann | Mr Dobie | Mr McGauran | Mr Shipton |
| Mr Aldred | Mr Downer | Mr MacKellar | Mr Sinclair |
| Mr Anderson | Dr H. R. Edwards | Mr Macphee | Mr Smith |
| Mr Andrew | Mr Fife | Mr Miles | Mr Spender |
| Mr Beale | Mr P. S. Fisher | Mr Millar | Mrs Sullivan |
| Mr Blunt | Mr Hall | Mr Moore | Mr Taylor |
| Mr N. A. Brown | Mr Halverson | Mr Nehl | Mr Tuckey |
| Mr Burr | Mr Hawker* | Mr Porter | Mr Webster |
| Mr Cadman | Dr Hewson | Mr Prosser | Mr Wilson |
| Mr D. M. Cameron | Mr Hicks* | Mr Robinson | Dr Woods |
| Mr E. C. Cameron | Mr Jull | Mr Rocher | Dr Wooldridge |
| Mr Carlton | Mr Lloyd | Mr Shack | |
| Mr Connolly | Mr McArthur | Mr Sharp | |

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 77

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

NOES, 49

| | | | |
|------------------|------------------|--------------|---------------|
| Mr Adermann | Mr Dobie | Mr McGauran | Mr Sinclair |
| Mr Aldred | Mr Downer | Mr MacKellar | Mr Smith |
| Mr Anderson | Dr H. R. Edwards | Mr Macphee | Mr Spender |
| Mr Andrew | Mr Fife | Mr Miles | Mrs Sullivan |
| Mr Beale | Mr P. S. Fisher | Mr Moore | Mr Taylor |
| Mr Blunt | Mr Hall | Mr Nehl | Mr Tuckey |
| Mr N. A. Brown | Mr Halverson | Mr Porter | Mr Webster |
| Mr Burn | Mr Hawker* | Mr Prosser | Mr Wilson |
| Mr Cadman | Dr Hewson | Mr Robinson | Dr Woods |
| Mr D. M. Cameron | Mr Hicks* | Mr Rocher | Dr Wooldridge |
| Mr E. C. Cameron | Mr Jull | Mr Shack | |
| Mr Carlton | Mr Lloyd | Mr Sharp | |
| Mr Connolly | Mr McArthur | Mr Shipton | |

* Tellers

And so it was resolved in the affirmative.

Mr Speaker thereupon invited the honourable Member for Bruce to withdraw the allegation and apologise to the House.

Mr Aldred declined to do so.

Mr Beazley moved—That the honourable Member for Bruce be suspended from the service of the House for 2 sitting days including today.

Mr N. A. Brown rising to address the House—

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

Question:—That the question be now put—put.

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

AYES, 78

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

NOES, 52

| | | | |
|------------------|------------------|--------------|---------------|
| Mr Adermann | Mr Connolly | Mr Lloyd | Mr Shack |
| Mr Aldred | Mr Dobie | Mr McArthur | Mr Sharp |
| Mr Anderson | Mr Downer | Mr McGauran | Mr Shipton |
| Mr Andrew | Dr H. R. Edwards | Mr MacKellar | Mr Sinclair |
| Mr Beale | Mr Fife | Mr Macphee | Mr Smith |
| Mr Blunt | Mr P. S. Fisher | Mr Miles | Mr Spender |
| Mr N. A. Brown | Mr Hall | Mr Moore | Mrs Sullivan |
| Mr Burr | Mr Halverson | Mr Nehl | Mr Taylor |
| Mr Cadman | Mr Hawker* | Mr Porter | Mr Tuckey |
| Mr D. M. Cameron | Dr Hewson | Mr Prosser | Mr Webster |
| Mr E. C. Cameron | Mr Hicks* | Mr Robinson | Mr Wilson |
| Mr Carlton | Mr Howard | Mr Rocher | Dr Woods |
| Mr Cobb | Mr Jull | Mr Ruddock | Dr Wooldridge |

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—
The House divided (the Speaker, Mr McLeay, in the Chair)—

AYES, 78

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

NOES, 54

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

* Tellers

And so it was resolved in the affirmative.

The honourable Member was, therefore, suspended at 12.55 p.m., for 2 sitting days including today, and he accordingly withdrew from the Chamber.

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

Mr E. C. Cameron, Mr Carlton, Mr Cleeland, Mr Hawke, Mr Humphreys, Mr Langmore, Mr Lindsay, Mr J. L. Scott and Mr Snow, from 69, 40, 80, 28, 13, 43, 18, 185 and 270 petitioners, respectively, praying that policies

- be implemented to increase Australian aid, fight poverty, protect the environment and promote human rights.
- Mr Aldred, Mr Duffy, Mr Kerin, Mr Peacock and Mr West, from 110, 24, 20, 74 and 20 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 Aldred, Mr Brumby, Mr Griffiths and Mr Macphee, from 14, 43, 23 and 61 petitioners, respectively, praying that the national flag not be changed except by a referendum.
- Mr E. C. Cameron, Mr Cleeland, Mr Cunningham and Mr Duffy, from 309, 99, 121 and 73 petitioners, respectively, praying that the Abortion Funding Abolition Bill be supported.
- Mr Baldwin, Mr Millar and Mr Moore, from 13, 70 and 9 petitioners, respectively, praying that an International Earth Repair Action Decade begin on 5 June 1990.
- Mr R. J. Brown, Mr Johns and Mr J. L. Scott, from 31, 18 and 72 petitioners, respectively, praying that support for the capital gains tax be maintained.
- Mr Beale and Mr Macphee, from 178 and 10 petitioners, respectively, praying that proposed legislation which would require companies to assess their taxable income within 15 days of the end of a financial year not be passed.
- Mr Blunt and Mr Cobb, from 973 and 1128 petitioners, respectively, praying that the emphasis on monetary policy be replaced by lower Government expenditure, microeconomic restructuring and reform of the taxation system.
- Mr Beale, from 121 petitioners, praying that the excessive reliance on high interest rates cease.
- Dr Blewett, from 75 petitioners, praying that all advertising of alcohol on radio and television be banned.
- Mr Blunt, from 17 petitioners, praying that the provision of an adequately funded pharmaceutical benefits scheme which ensures availability of pharmaceutical benefits through local pharmacies be guaranteed.
- Mr Connolly, from 59 petitioners, praying that the restructuring of the Pharmaceutical Benefits Scheme be reconsidered.
- Mr Cunningham, from 124 electors of the Division of McMillan, praying that a breast X-ray program for Australian women be implemented as soon as possible.
- Mr Griffiths, from 15 petitioners, praying that action be taken to amend laws which permit discrimination on the basis of age.
- Mr Griffiths, from 11 petitioners, praying that the dedication of the teaching profession, its interest in the welfare of its students and its loyalty to the community be recognised.
- Mr Holding, from 102 petitioners, praying that action be taken to phase out the consumption, production and export of chlorofluorocarbons and halons.
- Mr Howard, from 20 petitioners, praying that steps be taken to maintain both high quality health care for the community and equity for community pharmacists.
- Mr Sharp, from 273 petitioners, praying that the allocation to roads from fuel excise revenue be increased by 10 cents per litre from existing taxes and continue at that level for the next decade with adjustments for changes in fuel prices.
- Mrs Sullivan, from 12 petitioners, praying that legislative action be taken to encourage the use of recycled materials, minimise the use of new materials and prevent the generation of toxic wastes.
- Mr Tuckey, from 181 petitioners, praying that the continued viability of neighbourhood pharmaceutical services be guaranteed by an adequately funded Pharmaceutical Benefits Scheme.

Dr Woods, from 191 petitioners, praying that the Abortion Funding Abolition Bill be debated and voted upon during the current sittings of the House.

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

Petitions received.

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

6 **AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS AND REFERENCE TO COMMITTEES:** Mr Speaker presented the following papers:

Audit Act—Auditor-General—

Audit reports—1989-90—

No. 23—Aggregate financial statement prepared by the Minister for Finance, year ended 30 June 1989, accompanied by a copy of the statement.

No. 24—Department of Employment, Education and Training: administration of the Austudy program.

No. 26—Department of Community Services and Health: Medicare Benefits Schedule.

No. 27—Parliament House Construction Authority.

Report of the Australian Audit Office for 1988-89.

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

- (1) this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the annual report of the Auditor-General of the Australian Audit Office for 1988-89, and audit reports Nos. 23 (accompanied by the aggregate financial statement prepared by the Minister for Finance for the year ended 30 June 1989), 24, 26 and 27 of the Auditor-General for 1989-90;
- (2) the reports be printed; and
- (3) audit report No. 24 of 1989-90—Department of Employment, Education and Training: administration of the Austudy program be referred to the Standing Committee on Employment, Education and Training, and audit report No. 26 of 1989-90—Department of Community Services and Health: Medicare Benefits Schedule be referred to the Standing Committee on Community Affairs.

Question—put and passed.

7 **NEW PARLIAMENT HOUSE—JOINT STANDING COMMITTEE—REPORT:** Mr Speaker presented the following report:

New Parliament House—Joint Standing Committee—Proposed work in the Parliamentary zone—2nd Report relating to a community based child care centre in the Parliamentary zone, incorporating a dissenting report.

Ordered to be printed.

8 **PAPER:** Mr Speaker presented the following paper:

Public Service Act—Joint House Department—Report and financial statements, including the Auditor-General's Report, for 1988-89.

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

Aboriginal deaths in custody—Royal Commission—Report of inquiry into the death of Jimmy Njanji.

Aboriginal Hostels Limited—Report and financial statements, including the Auditor-General's Report, for 1988-89.

Aboriginal Land Commissioner—Report to the Minister for Aboriginal Affairs and the Administrator of the Northern Territory relating to Lake Amadeus Land Claim (Report No. 28).

Administrative Appeals Tribunal Act—Administrative Review Council—13th Report, including freedom of information statement, for 1988-89.

Advance to the Minister for Finance—
Statement for November 1989.

Supporting applications of issues from the Advance during November 1989.

Albury-Wodonga Development Act—Albury-Wodonga Development Corporation—
16th Report and financial statements, including the Auditor-General's Report
and freedom of information statement, for 1988-89.

AUSSAT Pty Ltd—Report and financial statements, including the Auditor-General's
Report, for 1988-89.

Australia-China Council—Report for 1988-89.

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

Australia-Japan Foundation Act—Australia-Japan Foundation—Report and financial
statements, including the Auditor-General's Report and freedom of information
statement, for 1988-89.

Australian Airlines Limited—Report and financial statements, including the auditor's
report, for 1988-89.

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

Australian Capital Territory (Electoral) Act—Australian Electoral Commission—
Report—Australian Capital Territory Legislative Assembly Election, 4 March
1989: Election funding, dated October 1989.

Australian Centre for International Agricultural Research Act—Australian Centre
for International Agricultural Research—Report and financial statements, including
the Auditor-General's Report, for 1988-89.

Australian Civil Offsets Program—Report, including details on the Partnerships for
Development Program, for 1988-89.

Australian Institute of Marine Science Act—Australian Institute of Marine Science—
Report and financial statements, including the Auditor-General's Report and
freedom of information statement, for 1988-89.

Australian National Maritime Museum—Report for 1988-89.

Australian National Railways Commission Act—Australian National Railways
Commission (Australian National)—Report and financial statements, including
the Auditor-General's Report, for 1988-89.

Australian Security Intelligence Organization Act—Security Appeals Tribunal—
Report for 1988-89.

Australian Shipping Commission Act—Australian Shipping Commission (Australian
National Line)—Report and financial statements, including the Auditor-General's
Report, for 1988-89.

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

Broadcasting Act—

Australian Broadcasting Tribunal—Report and financial statements, including the
Auditor-General's Report and freedom of information statement, for 1988-89.

Special Broadcasting Service—Report and financial statements, including the
Auditor-General's Report, for 1988-89.

Civil Aviation Act—Civil Aviation Authority Australia—Report and financial
statements, including the Auditor-General's Report, for 1988-89.

Coal Industry Act—Joint Coal Board—42nd Report and financial statements,
including the Auditor-General's Report and freedom of information statement,
for 1988-89.

Commission for the Future—Report for 1988-89.

Companies and Securities Law Review Committee—Report for 1988-89.

- Customs Administration Act—Australian Customs Service—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- Director of Public Prosecutions Act—Commonwealth Director of Public Prosecutions—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- Environment Protection (Alligator Rivers Region) Act—Supervising Scientist for the Alligator Rivers Region—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—
- ACT Fire Brigade—Report for period July 1988 to March 1989.
 - AUSSAT Pty Ltd—Report for 1988-89.
 - Australia Post—Report for 1988-89.
 - Australian Institute of Aboriginal Studies—Report for 1988-89.
 - Federal Airports Corporation—Report for 1988.
 - Reserve Bank of Australia—Report for 1988-89.
- Family Law Act—Family Law Council—Report for 1988-89.
- Film and Literature Classification Office and Films Board of Review—Reports, including freedom of information statements, for period January 1988 to June 1989.
- First Home Owners Act—First Home Owners Scheme—Report for 1988-89.
- Fisheries Act—Agreement between the Commonwealth of Australia and KKFC Proprietary Limited, dated 31 October 1989.
- Foreign Affairs, Defence and Trade—Joint Committee—Report—Review of the Australian International Development Assistance Bureau and Australia's Overseas Aid Program—Government response, dated December 1989.
- Foreign Investment Review Board—Report for 1988-89.
- Freedom of Information Act—Report by the Attorney-General on the operation of the Act, for 1988-89.
- Girls in schools 2—Report on the national policy for the education of girls in Australian schools, by the Department of Employment, Education and Training, dated November 1989.
- Great Barrier Reef Marine Park Act—Great Barrier Reef Marine Park Authority—Report and financial statements, including the Auditor-General's Report, for 1988-89.
- Higher education funding for the 1990-92 triennium—Report by Minister for Employment, Education and Training, dated December 1989.
- Honey Marketing Act—Australian Honey Board—26th Report and financial statements, including the Auditor-General's Report, for 1988-89.
- Horticultural Policy Council Act—Horticultural Policy Council—Report for 1988-89.
- Housing Loans Insurance Act—Housing Loans Insurance Corporation—25th Report and financial statements, including the Auditor-General's Report, for 1988-89.
- Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report and financial statements, including the Auditor-General's Report, for 1988-89.
- Law Reform Commission Act—Law Reform Commission—Report No. 52—Guardianship and management of property.
- Management and Investment Companies Act—Management and Investment Companies Licensing Board—Report, including freedom of information statement, for 1988-89.
- Ministers' private interests—Return for 1989.
- National Capital Development Commission Act—National Capital Development Commission—32nd Report and financial statements, including the Auditor-General's Report, for period 1 July 1988 to 30 January 1989.

- National Common Police Services—Australian Police Ministers' Council—Report for 1987-88.
- National Companies and Securities Commission Act—National Companies and Securities Commission—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- National Crime Authority Act—National Crime Authority—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- National Museum of Australia Act—National Museum of Australia—Report and financial statements, including the Auditor-General's Report, for 1988-89.
- National Parks and Wildlife Conservation Act—Australian National Parks and Wildlife Service—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- Papua New Guinea (Staffing Assistance) Act—Commissioner for Superannuation—Report on the Papua New Guinea Superannuation Scheme and certain other schemes, for 1988-89.
- Parliament House Construction Authority Act—Parliament House Construction Authority—Report and financial statements, including the Auditor-General's Report, for 1988-89.
- Pig Industry Act—Australian Pig Industry Policy Council—Report and financial statements, for 1988-89.
- Prices Surveillance Act—Prices Surveillance Authority—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- Privacy Act—Privacy Commissioner—1st Report, for period 1 January to 30 June 1989.
- Public Lending Right Act—Public Lending Right Committee—Report for 1988-89.
- Public Service Act—
 Department of the Arts, Sport, the Environment, Tourism and Territories—
 Report—
 Volume 1—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
 Volume 2—ACT Administration—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for period 1 July 1988 to 10 May 1989.
- Royal Australian Mint—Report and financial statements, including the Auditor-General's Report, for 1988-89.
- Pulp mill and paper industry package—Joint press release and background statement by Senator Button, Minister for Industry, Technology and Commerce, Mr Kerin, Minister for Primary Industries and Energy, and Senator Richardson, Minister for the Arts, Sport, the Environment, Tourism and Territories, dated December 1989.
- Qantas Airways Limited—Report and financial statements, including the Auditor-General's Report, for 1988-89.
- Rural Industries Research Act—
 Farley Research Council—Report for 1988-89.
 Grape and Wine Research Council—Report for 1988-89.
 Sugar Research Council—Report for 1988-89.
- Science and Industry Research Act—Commonwealth Scientific and Industrial Research Organisation—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.
- Soil Conservation (Financial Assistance) Act—Soil Conservation Advisory Committee—Report for 1988-89.
- States and Northern Territory Grants (Rural Adjustment) Act—Rural Adjustment Scheme—Report for 1988-89.
- Sugar Cane Growers Adjustment Scheme—Report for 1988-89.

Tax expenditures statement—Report by Department of the Treasury, dated December 1989.

Textile, Clothing and Footwear Development Authority Act—Textile, Clothing and Footwear Development Authority—Report and financial statements, including the Auditor-General's Report, for 1988-89.

Trade Union Training Authority Act—Australian Trade Union Training Authority—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.

- 10 **ABORIGINAL DEATHS IN CUSTODY—ROYAL COMMISSION—REPORT—PUBLICATION OF PAPER:** Mr Beazley (Leader of the House), by leave, moved—That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the report of the Royal Commission into Aboriginal Deaths in Custody of the inquiry into the death of Jimmy Njanji.

Question—put and passed.

- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LIVING STANDARDS:** The House was informed that Mr Peacock (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Hawke Government's economic policy which is having a devastating effect on the living standards of Australian families".

The proposed discussion having received the necessary support—

Mr Peacock addressed the House.

Discussion ensued.

Discussion concluded.

- 12 **PAPER:** Mr P. F. Morris (Minister for Industrial Relations) presented the following paper:

Remuneration Tribunal Act—Remuneration Tribunal—1989 Review.

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

(a) returning the following Bills without amendment:

5 December 1989—Message—

No. 498—Social Security and Veterans' Affairs Legislation Amendment (No. 3) 1989.

No. 499—Social Security and Veterans' Affairs Legislation Amendment (No. 4) 1989.

7 December 1989—Message—

No. 501—Marine Navigation Levy 1989 (*without requests*).

No. 502—Marine Navigation Levy Collection 1989.

No. 504—Taxation Laws Amendment (No. 4) 1989.

No. 506—Income Tax (International Agreements) Amendment (No. 2) 1989.

No. 507—States Grants (General Purposes) 1989.

11 December 1989—Message—

No. 512—Sales Tax (Exemptions and Classifications) (Computer Programs) Amendment 1989.

No. 514—National Health Amendment (No. 2) 1989.

13 December 1989—Message—

No. 519—States Grants (Schools Assistance) Amendment (No. 2) 1989.

No. 520—Higher Education Funding Amendment (No. 2) 1989.

No. 521—Student Assistance Amendment (No. 2) 1989.

No. 522—States Grants (TAFE Assistance) 1989.

No. 523—Aboriginal Education (Supplementary Assistance) 1989.

No. 524—University of Canberra 1989.

14 December 1989—Message—

No. 525—Bounty (Photographic Film) 1989.

- No. 526—Customs Legislation (Anti-Dumping) 1989.
- No. 527—Customs Tariff (Anti-Dumping) Amendment 1989 (*without requests*).
- No. 528—Customs Tariff Amendment (No. 4) 1989 (*without requests*).
- No. 530—Excise Tariff Amendment (No. 2) 1989.
- No. 531—Migration Legislation Amendment (Consequential Amendments) 1989.
- No. 532—Overseas Students Charge Amendment (No. 2) 1989.

19 December 1989—Message—

- No. 536—Industrial Chemicals (Notification and Assessment) 1989.
- No. 537—Crimes Legislation Amendment (No. 2) 1989.

20 December 1989—Message—

- No. 538—Primary Industries and Energy Legislation Amendment (No. 2) 1989.
- No. 539—Primary Industries and Energy Legislation Amendment (No. 3) 1989.
- No. 540—Transport and Communications Legislation Amendment (No. 2) 1989.
- No. 541—Housing Assistance 1989.

- (b) acquainting the House of the Senate resolution granting leave to the Joint Committee on Foreign Affairs, Defence and Trade to meet during the sitting of the Senate on Monday, 11 December 1989—Message No. 503, dated 6 December 1989.
- (c) acquainting the House of the Senate resolution granting leave to the Joint Select Committee on Migration Regulations to meet during the sitting of the Senate on Thursday, 7 December 1989, from 3 p.m. to 4 p.m., for the purpose of considering its draft report—Message No. 509, dated 7 December 1989.

14 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

- 30 November 1989—Message No. 276—Limitation of Liability for Maritime Claims 1989.

5 December 1989—Message—

- No. 277—Judicial and Statutory Officers Remuneration Legislation Amendment 1989.

No. 278—

- Appropriation (Parliamentary Departments) 1989-90.
- Appropriation (No. 1) 1989-90.
- Appropriation (No. 2) 1989-90.
- Courts and Tribunals Administration Amendment 1989.

14 December 1989—Message No. 279—Grain Legumes Levy Legislation Amendment 1989.

17 December 1989—Message No. 281—Australian Federal Police Legislation Amendment (No. 2) 1989.

18 December 1989—Message—

- No. 280—Migration Legislation Amendment (Consequential Amendments) 1989.

No. 282—

- States Grants (General Purposes) 1989.
- Marine Navigation Levy 1989.
- Marine Navigation Levy Collection 1989.

19 December 1989—Message—

No. 283—

- Social Security and Veterans' Affairs Legislation Amendment (No. 3) 1989.

- Social Security and Veterans' Affairs Legislation Amendment (No. 4) 1989.
- No. 284—Income Tax (International Agreements) Amendment (No. 2) 1989.
- No. 285—
Sales Tax (Exemptions and Classifications) (Computer Programs) Amendment 1989.
Taxation Laws Amendment (No. 4) 1989.
- No. 286—
Higher Education Funding Amendment (No. 2) 1989.
States Grants (Schools Assistance) Amendment (No. 2) 1989.
States Grants (TAFE Assistance) 1989.
Student Assistance Amendment (No. 2) 1989.
- 20 December 1989—Message No. 287—
Bounty (Photographic Film) 1989.
Customs Tariff (Anti-Dumping) 1989.

15 MESSAGE FROM THE SENATE—COMMUNITY SERVICES AND HEALTH LEGISLATION AMENDMENT BILL (NO. 2) 1989: The following message from the Senate was reported:

Message No. 516

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to amend laws relating to community services and health, and for related purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 12 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 2, clause 4, proposed subsection 10DA (1), line 17, leave out “, by instrument.”.
- No. 2—Page 2, clause 4, proposed subsection 10DA (2), lines 19 and 20, leave out “The statement is to be known as the Charter of Residents’ Rights and Responsibilities and”, insert “The statement, which if approved by both Houses of the Parliament is to be known as the Charter of Residents’ Rights and Responsibilities in Approved Hostels.”.
- No. 3—Page 2, clause 4, proposed subsection 10DA (2), line 21, leave out “determined”, insert “formulated”.
- No. 4—Page 2, clause 4, proposed subsection 10DA (2), line 22, leave out “Charter”, insert “statement”.
- No. 5—Page 2, clause 4, proposed subsection 10DA (4), lines 30 and 31, leave out the proposed subsection, insert the following subsections:
“(4) A copy of the statement referred to in subsection (2) must be laid before each House of the Parliament within 15 sitting days of that House after the formulation of the statement.
‘(5) Each House of the Parliament may, by resolution, approve the statement, with any amendment agreed to by that House.
‘(6) The statement comes into effect as the Charter of Residents’ Rights and Responsibilities in Approved Hostels on the day on which a House of the

Parliament approves the statement in the same terms as approved by the other House, provided that:

- (a) not more than 90 days have elapsed; and
- (b) the places of Senators have not become vacant under section 13 of the Constitution; and
- (c) a dissolution or expiration of the House of Representatives has not occurred,

between the approval of one House and the approval of the other House.”

No. 6—Page 2, clause 4, proposed subsection 10DB (1), line 33, leave out “determine”, insert “formulate”.

No. 7—Page 2, clause 4, proposed subsection 10DB (2), line 37, leave out “determined”, insert “formulated”.

No. 8—Page 2, clause 4, proposed subsection 10DB (2), line 38, leave out “Charter of Residents’ Rights and Responsibilities”, insert “statement”.

No. 9—Page 3, clause 4, proposed subsection 10DB (3), line 4, leave out “determined”, insert “formulated”.

No. 10—Page 3, clause 4, after proposed subsection 10DB (3), add the following new subsections:

“(4) A copy of the form of agreement referred to in subsection (1) must be laid before each House of the Parliament within 15 sitting days of that House after the formulation of the form of agreement.

“(5) Each House of the Parliament may, by resolution, approve the form of agreement, with any amendment agreed to by that House.

“(6) The form of agreement must not be entered into between an eligible organisation and an eligible person until the day after the day on which a House of Parliament approves the form of agreement in the same terms as approved by the other House, provided that:

- (a) not more than 90 days have elapsed; and
- (b) the places of Senators have not become vacant under section 13 of the Constitution; and
- (c) a dissolution or expiration of the House of Representatives has not occurred,

between the approval of one House and the approval of the other House.”

No. 11—Page 8, subclause 25 (1), proposed subsection 39BA (4), line 30, leave out “, by instrument,”.

No. 12—Page 8, subclause 25 (1), proposed subsection 39BA (6), lines 36 to 38, leave out the proposed subsection, insert the following subsections:

“(6) A copy of the principles referred to in subsection (4) must be laid before each House of the Parliament within 15 sitting days of that House after the formulation of the principles.

“(7) Each House of the Parliament may, by resolution, approve the principles, with any amendment agreed to by that House.

“(8) The principles come into effect on the day on which a House of the Parliament approves the principles in the same terms as approved by the other House, provided that:

- (a) not more than 90 days have elapsed; and
- (b) the places of Senators have not become vacant under section 13 of the Constitution; and
- (c) a dissolution or expiration of the House of Representatives has not occurred,

between the approval of one House and the approval of the other House.”

No. 13—Page 9, subclause 25 (1), proposed subsection 39BB (5), line 20, leave out “, by instrument,”.

No. 14—Page 9, subclause 25 (1), proposed subsection 39BB (7), lines 24 to 26, leave out the proposed subsection, insert the following subsections:

“(7) A copy of the principles referred to in subsection (5) must be laid before each House of the Parliament within 15 sitting days of that House after the formulation of the principles.

“(8) Each House of the Parliament may, by resolution, approve the principles, with any amendment agreed to by that House.

“(9) The principles come into effect on the day on which a House of the Parliament approves the principles in the same terms as approved by the other House, provided that:

(a) not more than 90 days have elapsed; and

(b) the places of Senators have not become vacant under section 13 of the Constitution; and

(c) a dissolution or expiration of the House of Representatives has not occurred,

between the approval of one House and the approval of the other House.’”.

No. 15—Page 12, clause 28, proposed subsection 40ABB (1), line 10, leave out “determine”, insert “formulate”.

No. 16—Page 12, clause 28, proposed subsection 40ABB (2), line 16, leave out “determined”, insert “formulated”.

No. 17—Page 12, clause 28, proposed subsection 40ABB (2), line 17, leave out “Charter of Residents’ Rights and Responsibilities”, insert “statement”.

No. 18—Page 12, clause 28, proposed subsection 40ABB (3), line 21, leave out “determined”, insert “formulated”.

No. 19—Page 12, clause 28, after proposed subsection 40ABB (3), add the following new subsections:

“(4) A copy of the form of agreement referred to in subsection (1) must be laid before each House of the Parliament within 15 sitting days of that House after the formulation of the form of agreement.

“(5) Each House of the Parliament may, by resolution, approve the form of agreement, with any amendment agreed to by that House.

“(6) The form of agreement must not be entered into between the proprietor of an approved nursing home and a person in relation to whom an approval for admission to an approved nursing home has been given under subsection 40AB (3), until the day after the day on which a House of the Parliament approves the form of agreement in the same terms as approved by the other House, provided that:

(a) not more than 90 days have elapsed; and

(b) the places of Senators have not become vacant under section 13 of the Constitution; and

(c) a dissolution or expiration of the House of Representatives has not occurred,

between the approval of one House and the approval of the other House.’”.

No. 20—Page 13, clause 31, proposed subsection 45F (1), line 32, leave out “, by instrument,”.

No. 21—Page 13, clause 31, proposed subsection 45F (2), lines 34 and 35, leave out “The statement is to be known as the Charter of Residents’ Rights and Responsibilities and”, insert “The statement, which if approved by both Houses of the Parliament is to be known as the Charter of Residents’ Rights and Responsibilities in Approved Nursing Homes,”.

No. 22—Page 13, clause 31, proposed subsection 45F (2), line 36, leave out “determined”, insert “formulated”.

No. 23—Page 13, clause 31, proposed subsection 45F (2), line 37, leave out “Charter”, insert “statement”.

No. 24—Page 14, clause 31, proposed subsection 45F (4), lines 5 and 6, leave out the proposed subsection, insert the following subsections:

“(4) A copy of the statement referred to in subsection (2) must be laid before each House of the Parliament within 15 sitting days of that House after the formulation of the statement.

‘(5) Each House of the Parliament may, by resolution, approve the statement, with any amendment agreed to by that House.

‘(6) The statement comes into effect as the Charter of Residents’ Rights and Responsibilities in Approved Nursing Homes on the day on which a House of the Parliament approves the statement in the same terms as approved by the other House, provided that:

- (a) not more than 90 days have elapsed; and
- (b) the places of Senators have not become vacant under section 13 of the Constitution; and
- (c) a dissolution or expiration of the House of Representatives has not occurred,

between the approval of one House and the approval of the other House.’”.

Ordered—That amendments Nos. 1 to 4, 6 to 9, 11, 13, 15 to 18, and 20 to 23 be considered together before amendments Nos. 5, 10, 12, 14, 19 and 24 together.

On the motion of Mr Staples (Minister for Housing and Aged Care), amendments Nos. 1 to 4, 6 to 9, 11, 13, 15 to 18, and 20 to 23 were agreed to, after debate.

Mr Staples moved—That amendments Nos. 5, 10, 12, 14, 19 and 24 be disagreed to, but that, in place of the amendments, the following amendments be made:

Amendment in place of Senate amendment No. 5—

Clause 4, page 2, lines 30 and 31, omit proposed subsection 10DA (4), insert the following subsections:

“(4) A copy of the statement is to be laid before each House of the Parliament within 15 sitting days of that House after the statement is formulated and takes effect only as provided by the following provisions of this section.

‘(5) If:

- (a) notice of a motion to amend the statement is given in either House of the Parliament within 15 sitting days after the statement has been laid before that House; and
- (b) the statement, whether or not as amended, is subsequently approved by that House; and
- (c) the other House approves the statement in the form approved by the first-mentioned House;

the statement takes effect in the form so approved from the day on which that other House approves the statement in that form.

‘(6) If no notice of a motion to amend the statement is given in the House of Representatives or the Senate within 15 sitting days of the particular House after the statement has been laid before that House, the statement takes effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.’”.

Amendment in place of Senate amendment No. 10—

Clause 4, page 3, at the end of proposed section 10DB add the following subsections:

“(4) A form of agreement formulated by the Minister is to be laid before each House of the Parliament within 15 sitting days of that House after it is formulated and takes effect only as provided by the following provisions of this section.

'(5) If:

- (a) notice of a motion to amend the form of agreement is given in either House of the Parliament within 15 sitting days after it has been laid before that House; and
- (b) the form of agreement, whether or not as amended, is subsequently approved by that House; and
- (c) the other House approves it in the form approved by the first-mentioned House;

the form of agreement takes effect in the form so approved from the day on which that other House approves it in that form.

'(6) If no notice of a motion to amend the form of agreement is given in the House of Representatives or the Senate within 15 sitting days of the particular House after it has been laid before that House, the form of agreement takes effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.'

Amendment in place of Senate amendment No. 12—

Clause 25, page 8, lines 36-38, omit proposed subsection 39BA (6), insert the following subsections:

“(6) Principles formulated under subsection (4) are to be laid before each House of the Parliament within 15 sitting days of that House after the principles are formulated and take effect only as provided by the following provisions of this section.

'(7) If:

- (a) notice of a motion to amend the principles is given in either House of the Parliament within 15 sitting days after the principles have been laid before that House; and
- (b) the principles, whether or not as amended, are subsequently approved by that House; and
- (c) the other House approves the principles in the form approved by the first-mentioned House;

the principles take effect in the form so approved from the day on which that other House approves the principles in that form.

'(8) If no notice of a motion to amend the principles is given in the House of Representatives or the Senate within 15 sitting days of the particular House after the principles have been laid before that House, the principles take effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.'

Amendment in place of Senate amendment No. 14—

Clause 25, page 9, lines 24-26, omit proposed subsection 39BB (7), insert the following subsections:

“(7) Principles formulated under subsection (5) are to be laid before each House of the Parliament within 15 sitting days of that House after the principles are formulated and take effect only as provided by the following provisions of this section.

'(8) If:

- (a) notice of a motion to amend the principles is given in either House of the Parliament within 15 sitting days after the principles have been laid before that House; and
- (b) the principles, whether or not as amended, are subsequently approved by that House; and
- (c) the other House approves the principles in the form approved by the first-mentioned House;

the principles take effect in the form so approved from the day on which that other House approves the principles in that form.

'(9) If no notice of a motion to amend the principles is given in the House of Representatives or the Senate within 15 sitting days of the particular House after the principles have been laid before that House, the principles take effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.'"

Amendment in place of Senate amendment No. 19—

Clause 28, page 12, at the end of proposed section 40ABB add the following subsections:

"(4) A form of agreement formulated by the Minister is to be laid before each House of the Parliament within 15 sitting days of that House after it is formulated and takes effect only as provided by the following provisions of this section.

'(5) If:

- (a) notice of a motion to amend the form of agreement is given in either House of the Parliament within 15 sitting days after it has been laid before that House; and
- (b) the form of agreement, whether or not as amended, is subsequently approved by that House; and
- (c) the other House approves it in the form approved by the first-mentioned House;

the form of agreement takes effect in the form so approved from the day on which that other House approves the statement in that form.

'(6) If no notice of a motion to amend the form of agreement is given in the House of Representatives or the Senate within 15 sitting days of the particular House after it has been laid before that House, the form of agreement takes effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.'"

Amendment in place of Senate amendment No. 24—

Clause 31, page 14, lines 5 and 6, omit proposed subsection 45F (4), insert the following subsections:

"(4) A copy of the statement is to be laid before each House of the Parliament within 15 sitting days of that House after the statement is formulated and takes effect only as provided by the following provisions of this section.

'(5) If:

- (a) notice of a motion to amend the statement is given in either House of the Parliament within 15 sitting days after the statement has been laid before that House; and
- (b) the statement, whether or not as amended, is subsequently approved by that House; and
- (c) the other House approves the statement in the form approved by the first-mentioned House;

the statement takes effect in the form so approved from the day on which that other House approves the statement in that form.

'(6) If no notice of a motion to amend the statement is given in the House of Representatives or the Senate within 15 sitting days of the particular House after the statement has been laid before that House, the statement takes effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.'"

Question—put and passed.
Resolutions to be reported.

The House resumed; Mr Mildren reported accordingly.
Mr Staples moved—That the report be adopted.

Debate ensued.

Question—put and passed.

16 MESSAGE FROM THE SENATE—PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT BILL 1989: The following message from the Senate was reported:

Message No. 543

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to provide for the undertaking of research and development relating to primary industries, energy and natural resources, and for related purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 20 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 4, subclause 4 (1), definition of "primary industry", paragraph (b), lines 6 to 9, leave out the paragraph, insert the following paragraph:

"(b) the extraction from the environment of:

(i) minerals; or

(ii) substances from which energy is made available; or

(iii) energy; or"

No. 2—Page 4, subclause 4 (1), definition of "primary industry", paragraph (c), lines 10 and 11, leave out the paragraph, insert the following paragraph:

"(c) the conservation and the sustainable use and management of a natural resource."

No. 3—Page 13, after subclause 20 (3), insert the following new subclause:

"(3A) Where a copy of an R&D plan is submitted to the Minister for approval under subsection (1) or (3), a copy of the plan is at the same time also to be provided to the Presidents (or the holders of the equivalent office) within each of the representative organisations of the Corporation."

No. 4—Page 14, paragraph 21 (6) (b), line 16, leave out "or".

No. 5—Page 14, paragraph 21 (6) (c), line 17, leave out the paragraph.

No. 6—Page 14, after subclause 21 (6), insert the following new subclause:

"(6A) Where the Minister approves a requested variation, the Corporation is, no later than one month after the day on which it is approved by the Minister, to provide a copy of the varied plan as approved by the Minister to the Presidents (or the holders of the equivalent office) within each of the representative organisations of the Corporation."

No. 7—Page 14, subclause 21 (7), lines 18 and 19, leave out "or approves another variation,".

No. 8—Page 15, clause 24, line 16, after "consult", insert ", and have regard to the views expressed by".

No. 9—Page 17, after subclause 26 (6), insert the following new subclause:

"(6A) Where:

(a) an annual operational plan is submitted to the Minister for approval under subsection (1), (2) or (4); or

(b) a variation of an annual operational plan is submitted to the Minister for approval under subsection (5) or (6);

a copy of the plan or the variation of the plan (as the case may be) is at the same time also to be provided to the Presidents (or the holders of the equivalent office) within each of the representative organisations of the Corporation.”

No. 10—Page 18, subparagraph 28 (1) (a) (iv), line 5, leave out “section 14”, insert “sections 13 and 14”.

No. 11—Page 18, after subparagraph 28 (1) (a) (v), insert the following new subparagraphs:

“(va) the activities of any companies in which the Corporation has an interest; and

(vb) any activities relating to the formation of a company; and”.

No. 12—Page 18, after paragraph 28 (1) (c), add the following new paragraph:

“; and (d) in respect of the grain industry or such other primary industry or class of primary industries as is prescribed in the regulations, particulars of sources and expenditure of funds, including:

(i) commodity, cross commodity and regional classifications; and

(ii) funds derived from transfer of:

(A) assets, debts, liabilities and obligations under section 145; and

(B) levies attached to Research Funds under the *Rural Industries Research Act 1985* under section 152 of this Act.”.

No. 13—Page 18, after subparagraph 29 (b) (ii), add the following new subparagraph:

“(iii) in respect of the grain industry and such other primary industry or class of primary industries as is prescribed in the regulations, particulars of sources and expenditure of funds, including:

(A) commodity, cross commodity and regional classifications; and

(B) funds derived from transfer of:

(AA) assets, debts, liabilities and obligations under section 145; and

(AB) levies attached to Research Funds under the *Rural Industries Research Act 1985* under section 152 of this Act; and”.

No. 14—Page 19, subclause 30 (1), line 4, after “R&D Corporation”, insert “(other than an R&D Corporation to which no levy is attached)”.

No. 15—Page 19, paragraph 30 (1) (b), lines 16 to 19, leave out the paragraph, insert the following paragraph:

“(b) subject to subsection (2) and sections 31 and 33, amounts equal to one-half of the amounts required to be spent by the Corporation under section 34 (other than paragraph 34 (1) (d)).”.

No. 16—Page 19, subclause 30 (2), lines 20 to 25, leave out the subclause, insert the following subclause:

“(2) No amounts are payable under paragraph (1) (b) to an R&D Corporation established in respect of the coal industry.”.

No. 17—Page 19, subclause 30 (3), line 26, leave out “Subject to subsection (4), amounts”, insert “Amounts”.

No. 18—Page 19, subclause 30 (4), lines 29 to 31, leave out the subclause, insert the following subclause:

“(4) There are to be paid to an R&D Corporation to which no levy is attached the amounts from time to time appropriated for the purpose by the Parliament.”.

No. 19—Pages 19 and 20, clause 31, line 32 (page 19) to line 1 (page 20), leave out the clause, insert the following clause:

Government matching payments not to exceed levy and certain other payments

“31. (1) Where:

(a) a levy is attached to an R&D Corporation; and

(b) the Corporation is not a Corporation declared by the regulations to be an R&D Corporation to which this section does not apply;

the sum of the amounts paid to the Corporation under paragraph 30 (1) (b) is not to exceed the sum of:

- (c) the amounts paid to the Corporation under subparagraphs 30 (1) (a) (i) and (ii) (less the sum of any refunds in relation to levies attached to the Corporation); and
- (d) amounts in relation to which subsection (2) applies.

“(2) Where an R&D Corporation is established in respect of the dairy industry, and that Corporation accepts an amount paid to it by way of gift or grant from a co-operative company (as defined by sections 117 and 118 of the *Income Tax Assessment Act 1936*) in the dairy industry, for the purposes of research and development, the Corporation may, subject to the regulations, determine that this subsection applies in relation to the amount.

“(3) This section does not apply in relation to the RIR&D Corporation.”.

No. 20—Page 20, clause 32, lines 2 to 6, leave out the clause.

No. 21—Page 28, subclause 59 (1), lines 23 to 25, leave out the subclause, insert the following subclause:

“(1) Where an R&D Corporation is required by the representative organisation to hold an annual general meeting, the Corporation must cause the meeting to be held in each financial year at a time and place determined by the Corporation.”.

No. 22—Page 45, subclause 109 (1), line 17, after “R&D Fund”, insert “(other than an R&D Fund to which no levy is attached)”.

No. 23—Page 45, paragraph 109 (1) (b), lines 28 to 31, leave out the paragraph, insert the following paragraph:

“(b) subject to sections 110 and 111, amounts equal to one-half of the amounts required to be paid out of the fund under section 113 (other than paragraph 113 (1) (d)).”.

No. 24—Page 45, subclause 109 (2), lines 32 to 37, leave out the subclause.

No. 25—Page 45, subclause 109 (3), line 38, leave out “Subject to subsection (4), amounts”, insert “Amounts”.

No. 26—Page 46, subclause 109 (4), lines 1 to 3, leave out the subclause, insert the following subclause:

“(4) There are to be paid into an R&D Fund to which no levy is attached the amounts from time to time appropriated for the purpose by the Parliament.”.

No. 27—Page 65, after subclause 146 (1), insert the following new subclause:

“(1A) Before disposing of any of the assets so transferred, the Commonwealth must have regard to the views of each of the representative organisations concerning the disposal.”.

No. 28—Page 67, after subclause 150 (1), insert the following new subclause:

“(1A) Before making a regulation for the purposes of section 8 or section 93 establishing an R&D Corporation or R&D Council in respect of a primary industry or class of primary industries, the Governor-General is to take into consideration any relevant recommendation made to the Minister by any of the organisations that, in the Minister’s opinion, represent that primary industry or class of primary industries.”.

On the motion of Mr Humphreys (Minister for Veterans’ Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

17 OVERSEAS STUDENTS CHARGE COLLECTION AMENDMENT BILL 1989: Mr Humphreys (Minister for Veterans’ Affairs) presented a Bill for an Act to amend the *Overseas Students Charge Collection Act 1979*.

Bill read a first time.

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

Paper: Mr Humphreys presented an explanatory memorandum to the following Bills:

Overseas Students Charge Collection Amendment 1989.

Overseas Students (Instalment Payments) Charge 1989.

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

- 18 **OVERSEAS STUDENTS (INSTALMENT PAYMENTS) CHARGE BILL 1989:** Mr Humphreys (Minister for Veterans' Affairs) presented a Bill for an Act to impose a charge on certain non-citizen students choosing to pay charge imposed under the *Overseas Students Charge Act 1979* by instalments.

Bill read a first time.

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

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

- 19 **OVERSEAS STUDENTS CHARGE COLLECTION 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 Humphreys (Minister for Veterans' Affairs), the Bill was read a third time.

- 20 **OVERSEAS STUDENTS (INSTALMENT PAYMENTS) CHARGE BILL 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Humphreys (Minister for Veterans' Affairs), the Bill was read a third time.

- 21 **INDUSTRY, TECHNOLOGY AND COMMERCE LEGISLATION AMENDMENT BILL (NO. 2) 1989—SENATE'S AMENDMENT:** The House, according to order, resolved itself into a committee of the whole to consider the amendment made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Page 6, clause 19, proposed subsection 11 (2), line 7, leave out " 'Designs Office' or".

On the motion of Mr Humphreys (Minister for Veterans' Affairs), the amendment was agreed to.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

- 22 **MESSAGE FROM THE SENATE—INDUSTRY COMMISSION BILL 1989:** The following message from the Senate was reported:

Message No. 500

Mr Speaker,

The Senate returns to the House of Representatives the 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”, and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 5 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 4, after subclause 8 (3), add the following new subclause:

“(4) Where a matter is referred to the Commission for inquiry and report, the Commission must also inquire into, and, in the same report, report on, the social and environmental consequences of any recommendations it makes.”.

No. 2—Page 8, after subclause 16 (1), insert the following new subclause:

“(1A) The Commission may hold public seminars, conduct workshops and establish working groups and task forces for the purposes of an inquiry.”.

No. 3—Page 13, after subclause 28 (1), insert the following new subclause:

“(1A) At least one of the Commissioners must be a person who has knowledge of, and at least 3 years experience, in an employed or voluntary capacity, in, environmental matters.”.

On the motion of Mr Humphreys (Minister for Veterans’ Affairs), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

23 MESSAGE FROM THE SENATE—THERAPEUTIC GOODS BILL 1989: The following message from the Senate was reported:

Message No. 517

Mr Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act relating to therapeutic goods*”, and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 12 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 1, clause 2, lines 6 and 7, leave out the clause, insert the following clause:

Commencement

“2. This Act commences on the day after the day on which a House of the Parliament approves regulations made under this Act in the same form as approved by the other House, provided that:

(a) not more than 90 days have elapsed; and

(b) the places of Senators have not become vacant under section 13 of the Constitution; and

(c) a dissolution or expiration of the House of Representatives has not occurred,

between the approval of one House and the approval of the other House.”

No. 2—Page 11, subclause 14 (3), line 32, after “Except”, insert “in exceptional circumstances and”.

No. 3—Page 23, clause 33, lines 4 to 6, leave out the clause, insert the following clause:

“33. The Secretary must publish a list of the therapeutic goods included in the Register not less than once every twelve months.”.

No. 4—Page 32, paragraph 50 (4) (d), line 23, leave out “one month”, insert “one week”.

No. 5—Page 33, after subparagraph 51 (5) (a) (ii), insert the following new subparagraph:

“(ii) tell the authorised person the day (not more than one week after the magistrate completes and signs the warrant) on which the warrant ceases to have effect; and”.

No. 6—Page 36, after subclause 59 (2), add the following new subclause:

“(3) No licence or inspection fees are to apply to non-profit hospital supply units.”.

No. 7—Page 41, after subclause 63 (4), insert the following new subclause:

“(5) For the purposes of section 2, regulations may be made before the commencement of this Act as if this Act were in force, but do not come into effect on a day earlier than the day on which this Act commences.”.

On the motion of Mr Staples (Minister for Housing and Aged Care), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

24 MESSAGE FROM THE SENATE—THERAPEUTIC GOODS (CHARGES) BILL 1989:

The following message from the Senate was reported:

Message No. 518

Mr Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to impose an annual charge on the registration and listing of therapeutic goods, and on the licensing of manufacturers of therapeutic goods*”, 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, 12 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Page 2, after subclause 5 (2), add the following new subclause:

“(3) The regulations shall provide that annual charges in respect of the registration or listing of therapeutic goods are not payable by persons whose turnover of those goods is of low volume and low value.”.

On the motion of Mr Staples (Minister for Housing and Aged Care), the amendment was agreed to.
Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.
On the motion of Mr Staples, the House adopted the report.

25 MESSAGE FROM THE SENATE—CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 4) 1989: The following message from the Senate was reported:

Message No. 529

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to amend legislation relating to Customs and Excise, and for related purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 14 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Pages 5 to 7, clauses 18 to 21, line 26 (page 5) to line 26 (page 7), leave out the clauses.
- No. 2—Page 7, paragraph 22 (a), proposed subsection 269E (1), line 33, before "goods if", insert "particular".
- No. 3—Page 7, paragraph 22 (a), proposed subsection 269E (1A), line 37, after "subsection 269C (1A)", insert "or (1B)".
- No. 4—Page 7, paragraph 22 (a), proposed subsection 269E (1A), line 38, before "goods if", insert "particular".
- No. 5—Page 8, paragraph 22 (a), proposed subsection 269E (1B), lines 1 to 3, leave out "and to any other matters to which the Comptroller is required to have regard under Ministerial guidelines made for the purposes of this subsection".
- No. 6—Page 8, paragraph 22 (b), lines 16 to 19, leave out the paragraph.
- No. 7—Page 8, paragraph 22 (d), line 23, before "goods because", insert "particular".
- No. 8—Page 8, paragraph 22 (e), line 25, leave out the paragraph.
- No. 9—Pages 8 and 9, clauses 23 to 26, line 32 (page 8) to line 14 (page 9), leave out the clauses.
- No. 10—Page 9, paragraph 27 (b), lines 19 and 20, leave out the paragraph.
- No. 11—Page 9, paragraph 27 (c), proposed paragraph 269N (3A) (a), line 29, after "or (1A)", insert "or (1B)".
- No. 12—Page 10, paragraph 27 (c), proposed paragraph 269N (3B) (a), line 1, after "or (1A)", insert "or (1B)".
- No. 13—Page 10, paragraphs 28 (a) and (b), lines 14 to 20, leave out the paragraphs.
- No. 14—Page 10, paragraph 28 (d), line 23, leave out the paragraph.
- No. 15—Page 10, paragraphs 28 (f) to (l), lines 26 to 41, leave out the paragraphs.
On the motion of Mr Staples (Minister for Housing and Aged Care), the amendments were agreed to.
Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.
On the motion of Mr Staples, the House adopted the report.

26 MESSAGE FROM THE SENATE—SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) AMENDMENT BILL (NO. 2) 1989: The following message from the Senate was reported:

Message No. 511

Mr Speaker,

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

KERRY SIBRAA
President

The Senate,
Canberra, 11 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 2, paragraph 3 (a), proposed item 60, line 5, leave out "has been manufactured from", insert "is".

No. 2—Page 2, paragraph 3 (a), proposed item 60, lines 5 and 6, leave out "recycled paper", insert "recycled fibre".

No. 3—Page 3, paragraph 3 (a), proposed item 60, at end of proposed item, add the following new sub-item:

"(2) For the purposes of sub-item (1), cardboard or paper is to be taken to be recycled if, and only if, all the fibre in the cardboard or paper is derived from either or both of the following:

- (a) pulped waste paper;
- (b) pulped waste cardboard."

Ordered—That amendment No. 1 be considered before amendments Nos. 2 and 3 together.

On the motion of Mr P. F. Morris (Minister Assisting the Treasurer), amendment No. 1 was agreed to.

Mr P. F. Morris moved—That amendments Nos. 2 and 3 be disagreed to, but that, in place thereof, the following amendment be made: Clause 3, page 3, at the end of proposed item 60 add the following sub-item:

"(2) For the purposes of sub-item (1), the cardboard or paper in goods is to be taken to be recycled if, and only if, all the fibre in the cardboard or paper has previously been used, as fibre, in the manufacture of other goods."

Debate ensued.

Question—put and passed.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.
On the motion of Mr P. F. Morris, the House adopted the report.

27 MESSAGE FROM THE SENATE—SALES TAX LAWS (COMPUTER PROGRAMS) AMENDMENT BILL 1989: The following message from the Senate was reported:

Message No. 513

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to amend the law relating to sales tax*", 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, 11 December 1989
Ordered—That the amendment be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Page 2, clause 4, at end of clause, add the following new subclause:

“(2) Section 3 of the Principal Act is amended by adding at the end the following subsections:

‘(13) A reference in this Act to a computer program embodied in a microchip does not include a computer program in a microchip in a cartridge where:

- (a) the program is marketed as being exclusively for educational or entertainment use; and
- (b) the cartridge is marketed as being exclusively for use with a personal computer or a home electronic device that includes or is for use with a visual display unit.

‘(14) In subsection (13), “home electronic device” does not include:

- (a) a compact disc player; or
- (b) a television; or
- (c) a video camera; or
- (d) a television video cassette player; or
- (e) a television video cassette recorder; or
- (f) another electronic device prescribed by the regulations.’.”

Mr P. F. Morris (Minister Assisting the Treasurer) moved—That the amendment be disagreed to, but that, in place thereof, the following amendment be made: Clause 4, page 2, at the end of the clauses add the following subclause:

“(2) Section 3 of the Principal Act is amended by adding at the end the following subsections:

‘(13) A reference in this Act to a computer program embodied in a microchip does not include a computer program embodied in a microchip in a cartridge where:

(a) the program is marketed as being exclusively for educational use, entertainment use or educational and entertainment use; and

(b) the cartridge is marketed as being exclusively for use with:

- (i) a personal computer; or
- (ii) a home electronic device that is for use with a computer monitor or a television screen; or
- (iii) either a personal computer or such a device.

‘(14) In subsection (13) “home electronic device” does not include a device that consists of or includes one or more of the following:

- (a) a compact disc player;
- (b) a television;
- (c) a video camera;
- (d) a video cassette player;
- (e) a video cassette recorder;
- (f) another electronic device prescribed by the regulations.’.”

Debate ensued.

Question—put and passed.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.
On the motion of Mr P. F. Morris, the House adopted the report.

28 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 5) 1989: The following message from the Senate was reported:

Message No. 505

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 Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 7 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1--Page 1, clause 2, lines 8 and 9, leave out the clause, insert the following clause:

"2. (1) Subject to subsection (2) this Act commences on the day on which it receives the Royal Assent.

"(2) Subparagraph 78 (1) (a) (xcvi) of the *Income Tax Assessment Act 1936* inserted by section 9 of this Act is to be taken to have come into effect on 10 November 1989."

No. 2--Page 5, clause 9, after proposed subparagraph 78 (1) (a) (xcv), add the following new subparagraph:

"(xcvi) the Nursing Mothers' Association of Australia;".

On the motion of Mr P. F. Morris (Minister Assisting the Treasurer), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.
On the motion of Mr P. F. Morris, the House adopted the report.

29 MESSAGE FROM THE SENATE—ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1989: The following message from the Senate was reported:

Message No. 534

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Aboriginal Land Rights (Northern Territory) Act 1976'*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 18 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 3, clause 5, proposed paragraph 23 (1) (fa), line 42, leave out “subsections 68A (1) and”, insert “subsection”.

No. 2—Page 4, clause 9, lines 32 to 38, leave out the clause.

No. 3—Pages 6 and 7, clause 14, line 34 (page 6) to line 14 (page 7), leave out the clause.

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.

30 MESSAGE FROM THE SENATE—HAZARDOUS WASTE (REGULATION OF EXPORTS AND IMPORTS) BILL 1989: The following message from the Senate was reported:

Message No. 535

Mr Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to provide for the regulation of the export and import of hazardous waste, and for related purposes*”, and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 19 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 3, clause 4, definition of “hazardous waste”, after paragraph (a), insert the following new paragraph:

“(aa) wastes that belong to any category contained in Annex I to the Basel Convention (a copy of the English text of which annex is set out in the Schedule), unless they do not possess any of the characteristics contained in Annex III to that Convention; or”.

No. 2—Page 31, subclause 62 (2), line 24, leave out “Annex III”, insert “Annexes I to III”.

On the motion of Mr Staples (Minister for Housing and Aged Care), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Mildren reported accordingly.

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

31 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Lee (Chairman) presented the following report and related papers:

Electoral Matters—Joint Standing Committee—Report No. 5—Inquiry into the ACT election and electoral system—

Report, dated November 1989.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Lee and Dr Wooldridge, by leave, made statements in connection with the report.

32 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS: Mr Brumby (Chairman) presented the following reports and related papers:

Employment, Education and Training—Standing Committee—Reports and minutes of proceedings—

Work in progress: Award restructuring and industry training, dated November 1989.

Postgraduate awards—Review of Auditor-General's Report No. 6 1989-90, dated November 1989.

Ordered—That the reports be printed.

Mr Brumby and Mr Prosser, by leave, made statements in connection with the reports.

33 MESSAGE FROM THE SENATE—LAW AND JUSTICE LEGISLATION AMENDMENT BILL 1989: The following message from the Senate was reported:

Message No. 542

Mr Speaker,

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

KERRY SIBRAA
President

The Senate,
Canberra, 19 December 1989

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 1, subclause 2 (2), line 10, leave out "Sections 1 and 2", insert "Parts 1 and 1B".

No. 2—Page 2, after Part 1, insert the following new Parts:

"PART 1A—AMENDMENTS OF THE AUSTRALIAN FEDERAL POLICE ACT 1979

Principal Act

"2A. In this Part, 'Principal Act' means the *Australian Federal Police Act 1979*.

"2B. Before section 6 of the Principal Act the following heading is inserted in Part II:

'Division 1—General'.

"2C. (1) After section 12A of the Principal Act the following Division is inserted in Part II:

'Division 2—Use of listening devices in relation to general offences

Definitions

"12B. In this Division:

"class 1 general offence" means a general offence that is an offence of any of the following kinds:

- (a) murder, or an offence of a kind equivalent to murder;
- (b) kidnapping, or an offence of a kind equivalent to kidnapping;

- (c) an offence constituted by:
- (i) aiding, abetting, counselling or procuring the commission of; or
 - (ii) being in any way, whether by act or omission and whether directly or indirectly, knowingly concerned in, or party to, the commission of; or
 - (iii) conspiring to commit;
- an offence of a kind referred to in paragraph (a) or (b);

“class 2 general offence” means a general offence that is an offence of any of the following kinds:

- (a) an offence against:
- (i) section 32, 33, 34, 37, 42, 43, 44, 72, 73, 73A, 74 or 88 of the *Crimes Act 1914*; or
 - (ii) the *Secret Commissions Act 1905*; or
 - (iii) section 13, 14, 15, 16 or 20 of the *Crimes (Offences against the Government) Act 1989* of the Australian Capital Territory;
- (b) an offence (other than a class 1 general offence or an offence of a kind referred to in paragraph (a)) punishable by imprisonment for life or for a period, or maximum period, of at least 7 years, where the particular conduct constituting the offence involved, involves, or would involve, as the case requires:
- (i) loss of a person's life or serious risk of loss of a person's life; or
 - (ii) serious personal injury or serious risk of serious personal injury; or
 - (iii) serious damage to property in circumstances endangering the safety of a person; or
 - (iv) trafficking in narcotic drugs;
- (c) an offence constituted by:
- (i) aiding, abetting, counselling or procuring the commission of; or
 - (ii) being in any way, whether by act or omission and whether directly or indirectly, knowingly concerned in, or party to, the commission of; or
 - (iii) conspiring to commit:

an offence of a kind referred to in paragraph (a) or (b);

“customs narcotics offence” means an offence punishable as provided by section 235 of the *Customs Act 1901*;

“designated technical officer” means a person declared under section 12E to be a designated technical officer,

“eligible Judge” means a Judge in relation to whom a consent under subsection 12D (1), and a nomination under subsection 12D (2), are in force;

“general offence” means:

- (a) an offence against a law of the Commonwealth that is not a customs narcotics offence; or
- (b) an offence against a law of the Australian Capital Territory;

“general offence inquiries” means:

- (a) inquiries in relation to a general offence that has been committed or is reasonably suspected of having been committed; or
- (b) if there are circumstances reasonably giving rise to the suspicion that a general offence is likely to be committed—inquiries in relation to the likely commission of the offence;

“listening device” means any instrument, device or equipment capable of being used, whether alone or in conjunction with any other instrument, device or equipment, to record or listen to spoken words;

“official” means:

- (a) a member; or
- (b) a designated technical officer;

“premises” includes:

- (a) any structure, building, aircraft, ship or vehicle; and
- (b) any land (whether or not enclosed or built on); and

- (c) any part of premises (including premises of a kind referred to in paragraph (a) or (b)).

Application of Division

'12C. (1) Nothing in this Division applies in relation to the use, in circumstances prescribed for the purposes of this subsection, of a listening device under a warrant issued under a law of a State or Territory, being a law prescribed for the purposes of this subsection.

'(2) Nothing in this Division, or in a warrant under this Division, applies in relation to the use of a listening device for a purpose that would, for the purposes of the *Telecommunications (Interception) Act 1979*, constitute the interception (whether or not in contravention of subsection 7 (1) of that Act) of a communication passing over a telecommunications system within the meaning of that Act.

Judges eligible to issue warrants for use of listening devices

'12D. (1) A Judge of a court created by the Parliament may, by writing, consent to be nominated by the Minister under subsection (2).

'(2) The Minister may, by writing, nominate a Judge in relation to whom a consent is in force under subsection (1) to be a Judge who may issue warrants under section 12G.

'(3) An eligible Judge has, in relation to the performance of a function or exercise of a power conferred on an eligible Judge by this Division, the same protection and immunity as a Justice of the High Court has in relation to proceedings in the High Court.

Appointment of designated technical officers

'12E. (1) The Commissioner or a member appointed, in writing, by the Commissioner for the purposes of this subsection may, by writing, declare:

- (a) a staff member to be a designated technical officer; or
- (b) a class of staff members to be designated technical officers.

'(2) A person who is a designated technical officer stops being a designated technical officer if the person stops being a staff member.

Use of listening devices in relation to general offences

'12F. (1) It is unlawful for an official to use, for the purposes of general offence inquiries that are being made by members, a listening device for the purpose of listening to or recording words while they are being spoken by a person unless:

- (a) the official is the speaker of the words or is a person, or is included in a class or group of persons, by whom the speaker of the words intends, or should reasonably expect, the words to be heard; or
- (b) the official listens to or records the words with the consent, express or implied, of a person who is permitted by paragraph (a) to listen to or record the words; or
- (c) if the general offence concerned is a class 1 general offence or a class 2 general offence—the official does so in accordance with a warrant under section 12G and the provisions of this Division.

'(2) It is unlawful for a person acting by arrangement with an official to use, for the purposes of general offence inquiries that are being made by members, a listening device for the purpose of listening to or recording words while they are being spoken by a person unless the first-mentioned person is the speaker of the words or is a person, or is included in a class or group of persons, by whom the speaker of the words intends, or should reasonably expect, the words to be heard.

'(3) It is the duty of the Commissioner to take reasonable steps to ensure that subsections (1) and (2) are not contravened by officials.

- '(4) Despite any law of a State or Territory:
- (a) an official does not act unlawfully merely because the official uses a listening device as mentioned in subsection (1) in circumstances to which paragraph (1) (a), (b) or (c) is applicable; and
 - (b) a person acting by arrangement with an official does not act unlawfully merely because the person uses a listening device as mentioned in subsection (2) in circumstances in which the use of the device is not declared to be unlawful by that subsection.

Warrants for use of listening devices

'12G. (1) A member may apply to an eligible Judge for a warrant under this section authorising officials to use a listening device in relation to a particular person or particular premises.

'(2) If:

- (a) the application is for a warrant authorising officials to use a listening device in relation to a particular person; and
- (b) the Judge is satisfied, by information on oath:
 - (i) that the person has committed, or is suspected on reasonable grounds of having committed, or of being likely to commit, a class 1 general offence or a class 2 general offence; and
 - (ii) that information that would be likely to be obtained by the use by officials of a listening device to listen to or record words spoken by or to the person would be likely to assist members in, or in relation to, inquiries that are being made in relation to the commission, or likely commission, of the offence by the person; and
 - (iii) that, having regard to the matters mentioned in subsection (6), some or all of that information cannot appropriately be obtained by methods of a kind referred to in paragraph (6) (a); and
 - (iv) if the offence is a class 2 general offence—that, having regard to the matters mentioned in subsection (7) and no other matters, such a warrant should be issued;

the Judge may issue a warrant authorising officials to use a listening device for the purpose of listening to or recording words spoken by, to, or in the presence of, the person.

'(3) The warrant may authorise:

- (a) officials to enter any premises in which the person is, or is likely to be, for the purpose of installing, maintaining, testing, using or recovering a listening device or a part of a listening device; and
- (b) the use of a listening device for the purpose of listening to or recording words spoken by, to, or in the presence of, the person anywhere in Australia.

'(4) If:

- (a) the application is for a warrant authorising officials to use a listening device in relation to particular premises (which may be premises anywhere in Australia); and
- (b) the Judge is satisfied, by information on oath:
 - (i) that there are reasonable grounds for suspecting that the premises have been, or are likely to be, used in relation to the commission, or likely commission, of a class 1 general offence or a class 2 general offence; and
 - (ii) that information that would be likely to be obtained by the use by officials of a listening device to listen to or record words spoken by or to persons in the premises would be likely to assist members in, or in relation to, inquiries that are being made in relation to the use, or likely use, of the premises in relation to the commission, or likely commission, of the offence; and

- (iii) that, having regard to the matters mentioned in subsection (6), some or all of that information cannot appropriately be obtained by methods of a kind referred to in paragraph (6) (a); and
- (iv) if the offence is a class 2 general offence—that, having regard to the matters mentioned in subsection (7) and no other matters, such a warrant should be issued;

the Judge may issue a warrant authorising officials to use a listening device for the purpose of listening to or recording words spoken by or to any person while the person is in the premises.

'(5) The warrant may authorise officials to enter the premises for the purpose of installing, maintaining, testing, using or recovering a listening device or a part of a listening device.

'(6) For the purposes of subparagraphs (2) (b) (iii) and (4) (b) (iii), the matters to which a Judge is to have regard are as follows:

- (a) the extent to which methods of conducting inquiries in relation to the offence that do not involve the use by officials of a listening device have been used by, or are available to, members;
- (b) how much information of a kind mentioned in subparagraph (2) (b) (ii) or (4) (b) (ii), as the case may be, would be likely to be obtained by such methods;
- (c) how much the use of such methods would be likely to prejudice inquiries in relation to the offence, whether because of a delay in obtaining some or all of that information or for any other reason.

'(7) For the purposes of subparagraphs (2) (b) (iv) and (4) (b) (iv), the matters to which a Judge is to have regard are as follows:

- (a) how much the privacy of any person would be likely to be interfered with by the use by officials of a listening device in relation to the person or premises concerned;
- (b) the gravity of the conduct constituting the offence;
- (c) to what extent information of a kind mentioned in subparagraph (2) (b) (ii) or (4) (b) (ii), as the case may be, would be likely to assist in connection with inquiries in relation to the offence.

'(8) A warrant under this section must be:

- (a) signed by the Judge issuing the warrant; and
- (b) in accordance with the appropriate prescribed form.

'(9) A warrant under this section may be expressed to be subject to conditions or restrictions specified in the warrant.

'(10) If a warrant under this section authorises officials to enter premises:

- (a) the warrant must state whether entry is authorised to be made at any time of the day or night or only during specified hours; and
- (b) the warrant may specify that entry may be made without permission first being sought or demand first being made, and may authorise measures that the Judge is satisfied are necessary to effect the entry.

'(11) A warrant under this section must specify a period (not exceeding 6 months) for which it is to remain in force.

'(12) Subsection (11) is not to be construed as preventing the issue of any further warrant.

Information to be given in support of application for warrant

'12H. Information given to an eligible Judge for the purposes of subsection 12G (2) or (4):

- (a) may be given orally or otherwise; and
- (b) must include the facts and other grounds on which the applicant considers it necessary that the warrant should be issued.

Exercise of powers under warrant

'12J. (1) The authority conferred by a warrant under section 12G is to be exercised only by the Commissioner or other members approved, for the purposes of the warrant or warrants under that section, by the Commissioner or a

member appointed, in writing, by the Commissioner for the purposes of this subsection.

'(2) Despite subsection (1), a designated technical officer may provide technical assistance to a member who is exercising the authority conferred by the warrant.

'(3) A reference in subsection (2) to the provision of technical assistance includes a reference to the doing of any act in relation to installing, maintaining, testing, using or recovering a listening device, or a part of a listening device, in accordance with the warrant.

Discontinuance of action before expiration of warrant

'12K. If, before a warrant under section 12G expires, the Commissioner is satisfied that the grounds on which the warrant was issued no longer exist, the Commissioner must immediately:

- (a) take such steps as are necessary to ensure that action authorised by the warrant (other than the recovery of a listening device or a part of a listening device) is discontinued; and
- (b) revoke the warrant by signed instrument.

Application of certain provisions of Customs Act

'12L. Sections 219F to 219K (inclusive) of the *Customs Act 1901* apply for the purposes of this Division as if:

- (a) references to a warrant under section 219B, or under Division 1A of Part XII, of that Act were instead references to a warrant under section 12G; and
- (b) reference to narcotics inquiries were instead references to general offence inquiries; and
- (c) references to a Judge were instead references to an eligible Judge; and
- (d) references to an instrument issued under section 219E of that Act were instead references to an instrument issued under section 12K; and
- (e) for the purposes of the provisions of subsections 219F (1), (2) and (3) (other than paragraph (2) (a)) of that Act, the Australian Federal Police were the only Commonwealth law enforcement agency within the meaning of that Act; and
- (f) any other necessary changes were made.'

"(2) Until the commencement of section 6 of the *Australian Federal Police Legislation Amendment Act (No. 2) 1989*, section 12E of the Principal Act as amended by this Act has effect as if references to a staff member were references to a person referred to in section 16 of the Principal Act.

"PART 1B—AMENDMENT OF THE AUSTRALIAN SECURITY INTELLIGENCE ORGANIZATION ACT 1979

Principal Act

"2D. In this Part, 'Principal Act' means the *Australian Security Intelligence Organization Act 1979*.

"2E. After section 93 of the Principal Act the following section is inserted:

Application of Privacy Act

'93A. (1) The *Privacy Act 1988* does not apply in relation to an act done, or a practice engaged in, by an agency to the extent that the act or practice involves the disclosure of personal information to the Organization.

'(2) For the purposes of this section, an agency is to be taken to have done an act, or engaged in a practice, if the agency would, for the purposes of the *Privacy Act 1988*, be taken to have done the act, or engaged in the practice.

'(3) In this section:

"agency" has the same meaning as in the *Privacy Act 1988*;

"personal information" has the same meaning as in the *Privacy Act 1988*.'".

No. 3—Page 7, clause 22, lines 8 to 16, leave out the clause, insert the following clause::

Interpretation

"22. Section 219A of the Principal Act is amended:

- (a) by inserting 'in relation to whom a consent under subsection 219AA (1), and a nomination under subsection 219AA (2), are in force' after 'Territory' in paragraph (a) of the definition of 'Judge' in subsection (1);
- (b) by omitting from subsection (1) the definition of 'prescribed offence' and substituting the following definition:

"prescribed offence" means:

- (a) a narcotics offence; or
- (b) an offence (other than a narcotics offence) against a law of the Commonwealth or of a State or Territory punishable by imprisonment for life or for a period, or maximum period, of not less than 3 years;
- (c) by inserting in subsection (1) the following definition:

"premises" includes:

- (a) any structure, building, aircraft or ship, or a vehicle or other carriage; and
- (b) any land (whether or not enclosed or built on); and
- (c) any part of premises (including premises of a kind referred to in paragraph (a) or (b));

"22A. After section 219A of the Principal Act the following sections are inserted:

Certain Judges eligible to issue warrants for use of listening devices

'219AA. (1) A Judge of the Federal Court of Australia or of the Supreme Court of the Australian Capital Territory may, by writing, consent to be nominated by the Minister under subsection (2).

'(2) The Minister may, by writing, nominate a Judge of a court referred to in subsection (1) in relation to whom a consent is in force under that subsection to be a Judge for the purposes of this Division.

Immunity of Judges

'219AB. A Judge has, in relation to the performance of a function or exercise of a power conferred on a Judge by this Division, the same protection and immunity as a Justice of the High Court has in relation to proceedings in the High Court.'

Use of listening devices

"22B. Section 219B of the Principal Act is amended by omitting from subsection (12) 'the interception of a communication passing over a telecommunications system controlled by the Australian Telecommunications Corporation' and substituting 'the interception (whether or not in contravention of subsection 7(1) of that Act) of a communication passing over a telecommunications system within the meaning of that Act'.

Certain information not to be disclosed

"22C. Section 219F of the Principal Act is amended:

- (a) by omitting from subsection (1) "\$1,000 or imprisonment for 2 years" and substituting "Imprisonment for 3 years";
- (b) by omitting paragraph (2) (a) and substituting the following paragraph:
 - '(a) where the information relates, or appears to relate, to the commission, or intended commission, of a prescribed offence—the information may be communicated, for the purpose of the investigation of the offence, to:
 - (i) an official of that agency; or
 - (ii) an official of the other Commonwealth law enforcement agency; or
 - (iii) an officer of the Police Force of a State or Territory; and'

Certain records to be destroyed

"22D. Section 219G of the Principal Act is amended by omitting subparagraph (b) (i) and substituting the following subparagraph:

'(i) in, or in connection with, a relevant proceeding; or'."

No. 4—Page 11, after Part 10, insert the following new Part:

"PART 10A—AMENDMENT OF THE JUDICIARY ACT 1903**Principal Act**

"28A. In this Part, 'Principal Act' means the *Judiciary Act 1903*.

Australian Government Solicitor

"28B. Section 55E of the Principal Act is amended by inserting after subsection (9) the following subsection:

"'(9A) In the application of subsection (9) in relation to matters that are not the subject of litigation, that subsection does not prevent the Secretary to the Attorney-General's Department, or a person authorised under subsection (4), from acting for 2 or more parties in the same matter.'"

No. 5—Page 15, clause 44, proposed subsection 55 (6), lines 19 and 20, leave out "or classes of persons,".

No. 6—Page 15, clause 44, lines 22 to 24, leave out proposed subsection (7), insert the following subsections:

"'(7) A person may not be made the subject of a declaration under subsection (6) unless the person is a staff member within the meaning of the *Australian Federal Police Act 1979*.

'(8) A person who is a designated technical officer stops being a designated technical officer if the person stops being a staff member within the meaning of that Act.'"

Amendment No. 1—

On the motion of Mr Bowen (Attorney-General), the amendment was agreed to.

Amendment No. 2—

Mr Bowen moved—That the amendment be agreed to.

Debate ensued.

Mr N. A. Brown, by leave, moved the following amendments to the Senate's amendment:

Part 1A—Amendments of the *Australian Federal Police Act 1979*—

Proposed section 12B—

Definition of "class 2 general offence", omit proposed paragraph (b).

Definition of "class 2 general offence", proposed paragraph (c), omit "or (b)".

Proposed subsection 12J(3), omit "using".

Debate continued.

Amendments to amendment No. 2 negatived.

Amendment No. 2 agreed to.

Amendment No. 3—

On the motion of Mr Bowen, the amendment was agreed to, after debate.

Amendment No. 4—

Mr Bowen moved—That the amendment be agreed to.

Mr N. A. Brown moved the following amendment to the Senate's amendment:

Part 10A—Amendment of the *Judiciary Act 1903*—

Proposed section 28B inserting proposed subsection 55E(9A), omit "that are not the subject of litigation,"; substitute:

"that:

(a) are not the subject of litigation; and

(b) are not reasonably expected to give rise to litigation;".

Debate continued.

Amendment to amendment No. 4 negatived.

Amendment No. 4 agreed to.

Amendments Nos. 5 and 6—

On the motion of Mr Bowen, the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Millar reported accordingly.

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

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

Message No. 510

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 still insists upon its Amendment to which the House of Representatives has insisted on disagreeing.

The Senate desires the reconsideration by the House of Representatives of the Bill in respect of the Amendment.

KERRY SIBRAA
President

The Senate,

Canberra, 11 December 1989

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

35 MESSAGE FROM THE SENATE—NATIONAL HEALTH AMENDMENT BILL 1989: The following message from the Senate was reported:

Message No. 515

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'National Health Act 1953', and for related purposes*", and acquaints the House that the Senate still insists upon its Amendment No. 2 to which the House of Representatives has insisted on disagreeing.

The Senate desires the reconsideration by the House of Representatives of the Bill in respect of Amendment No. 2.

KERRY SIBRAA
President

The Senate,

Canberra, 11 December 1989

Mr Holding (Minister for the Arts, Tourism and Territories) moved—That the message be taken into consideration, in committee of the whole House, at the next sitting.

Debate ensued.

Question—put and passed.

36 MESSAGE FROM THE SENATE—SMOKING AND TOBACCO PRODUCTS ADVERTISEMENTS (PROHIBITION) BILL 1989: Message No. 508, dated 7 December 1989, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to prohibit certain advertisements relating to smoking and tobacco products, and for related purposes*".

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

37 MESSAGE FROM THE SENATE—MIGRATION LEGISLATION AMENDMENT BILL (NO. 2) 1989: Message No. 533, dated 14 December 1989, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Migration Legislation Amendment Act 1989', and for related purposes*".

Bill read a first time.

Mr Holding (Minister representing the Minister for Immigration, Local Government and Ethnic Affairs) moved—That the Bill be now read a second time.

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

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Holding, the Bill was read a third time.

- 38 **MESSAGE FROM THE SENATE—FAMILY LAW AMENDMENT BILL 1989:** Message No. 545, dated 21 December 1989, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Family Law Act 1975’ and for related purposes*”.

Bill read a first time.

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

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

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Bowen, the Bill was read a third time.

- 39 **MESSAGE FROM THE SENATE—FOREIGN CORPORATIONS (APPLICATION OF LAWS) BILL 1989:** Message No. 544, dated 21 December 1989, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act relating to the law to be applied in determining certain questions relating to foreign corporations, and for related purposes*”.

Bill read a first time.

Mr Duffy (Minister for Trade Negotiations) moved—That the Bill be now read a second time.

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

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duffy, the Bill was read a third time.

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

Report relating to the refurbishment of the Reserve Bank, 60 Collins Street, Melbourne (26th report of 1989).

Ordered to be printed.

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

- 41 **INDUSTRY, SCIENCE AND TECHNOLOGY—STANDING COMMITTEE—PRINTING AND CIRCULATION OF PROPOSED REPORT:** Mr Beazley (Leader of the House), by leave, moved—That:

- (1) if the House is not sitting when the Standing Committee on Industry, Science and Technology has completed its report into small business, the committee may send its report to Mr Speaker, or in the absence of Mr Speaker, to the Chairman of Committees, who is authorised to give directions for its printing and circulation; and
- (2) the foregoing provision of this resolution, so far as it is inconsistent with the standing orders, has effect notwithstanding anything contained in the standing orders.

Debate ensued.

Question—put and passed.

42 **ALTERATION OF DAY AND HOUR OF NEXT MEETING:** Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until tomorrow at 9.30 a.m.

Question—put and passed.

43 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—MULTI-USER ARMY RESERVE DEPOT, OAKLEIGH, VIC.:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Oakleigh Multi-User Army Reserve Depot, Vic.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

44 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—STAGE 1 REDEVELOPMENT, PUCKAPUNYAL, VIC.:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Stage 1 redevelopment, Puckapunyal, Vic.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

45 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—DEDICATED COMPUTER CENTRE, AUSTRALIAN TAXATION OFFICE, BRUCE, ACT:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Dedicated computer centre for the Australian Taxation Office, Bruce, ACT.

Mr West presented plans in connection with the proposed work.

Debate ensued.

The House continuing to sit until after 12 midnight—

FRIDAY, 22 DECEMBER 1989

Debate continued.

Question—put and passed.

46 **PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORTS—STATEMENTS BY MEMBERS:**

Mr Tickner (Chairman) presented the following reports from the Joint Committee of Public Accounts:

300th Report—Reports of the Auditor-General—March 1988, September 1988 and April 1989.

301st Report—Finance minutes.

302nd Report—Engagement of external consultants by Commonwealth departments.

303rd Report—Review of Auditor-General's efficiency audits—Department of Defence: safety principles for explosives and RAAF explosive ordnance.

304th Report—Guidelines for departmental annual reports.

305th Report—Review of the Finance Minute on Report 270—Implementation of the offsets program.

Severally ordered to be printed.

Mr Tickner, Mr Carlton and Dr Woods, by leave, made statements in connection with the reports.

47 NATIONAL CRIME AUTHORITY—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER: Mr Cleeland (Chairman) presented the following report:

National Crime Authority—Joint Committee—Third report, including a dissenting report, dated November 1989.

Ordered—That the report be printed.

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

48 ADJOURNMENT: Mr Beazley (Leader of the House) moved—That the House do now adjourn.

Debate ensued.

Papers: Mr Lee, by leave, presented the following papers:

Investments made by Mrs M. Pearce in a private investment scheme of Dr J. A.

Page—Copies of documents (11).

Debate continued.

Question—put and passed.

And then the House, at 1.02 a.m., adjourned until this day at 9.30 a.m., in accordance with the resolution agreed to at this sitting.

PAPERS: The following papers were deemed to have been presented on 21 December 1989:

Air Navigation Act—Regulations—Statutory Rules 1989, No. 354.

Air Navigation (Charges) Act—Regulations—Statutory Rules 1989, No. 353.

Australian Federal Police Act—Regulations—Statutory Rules 1989, Nos 332, 333, 343, 344, 361, 362, 363.

Australian Meat and Live-stock Corporation Act—Regulation—Statutory Rules 1989, No. 347.

Australian National Railways Commission Act—Australian National Railways Commission—General By-Law—Amendment No. 7.

Australian Trade Commission Act—Regulations—Statutory Rules 1989, No. 359.

Banking Act—Regulations—Statutory Rules 1989, No. 357.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Parts—20—Amendment, dated 30 November 1989.

105—Amendments, dated 21 November, 6 and 8 (2) December 1989.

106—Amendments, dated 21 November and 6 December 1989.

107—Amendments, dated 21 and 29 November 1989.

Defence Act—

Determinations under section 58B—1989—

No. 181—Rates of Travelling Allowance—Peru and other allowances.

No. 186—Rates of Travelling Allowance—USA, New York and other allowances.

No. 188—Revised Rates of Allowance and other allowances.

No. 190—Salary of Permanent Force Members.

No. 195—Education assistance.

No. 198—Revised Rates of Allowance and other allowances

No. 200—Recreation leave.

No. 201—Travelling Allowance—Defence Co-operation Program

No. 203—Disturbance Allowance and Transfer Allowance.

Regulations—Statutory Rules 1989, No. 337.

Excise Act—Regulations—Statutory Rules 1989, No. 327.

Export Control Act—Export Control (Orders) Regulations—Order—1989—No. 8—Export Control (Dried Fruits) as amended (Amendment).

Family Law Act—

Regulations—Statutory Rules 1989, No. 326.

Rules of Court—Statutory Rules 1989, No. 331.

Federal Court of Australia Act—

Regulations—Statutory Rules 1989, No. 328

Rules of Court—Statutory Rules 1989, No. 318.

Health Insurance Act—

Determination pursuant to subsection 3C (1), dated 20 November 1989.

Regulations—Statutory Rules 1989, No. 329.

Higher Education Funding Act—Determinations—1989—T24, T25, T26, T27 and T28—Grants for Building Projects.

Horticultural Export Charge Act and Horticultural Export Charge Collection Act—Regulations—Statutory Rules 1989, No. 346.

Horticultural Levy Act and Horticultural Levy Collection Act—Regulations—Statutory Rules 1989, No. 345.

Income Tax Assessment Act—Regulations—Statutory Rules 1989, No. 358.

International Organizations (Privileges and Immunities) Act—Regulations—Statutory Rules 1989, Nos. 339, 340, 341.

Meat Inspection Act—Meat Inspection (Orders) Regulations—Order—1989—No. 1—Meat Inspection (New South Wales) as amended (Amendment).

Merit Protection (Australian Government Employees) Act—Regulations—Statutory Rules 1989, Nos. 349, 350, 351, 364.

Migration Act—Regulations—Statutory Rules 1989, Nos. 365, 366.

Motor Vehicles Standards Act—Determinations of Motor Vehicle Standards—Order—1989—No. 3.

National Health Act—

Declaration pursuant to subsection 85 (2AA), dated 17 November 1989.

Regulations—Statutory Rules 1989, Nos. 330, 334.

National Measurement Act—Regulations—Statutory Rules 1989, No. 325.

Occupational Superannuation Standards Act—Regulations—Statutory Rules 1989, No. 356.

Petroleum Excise (Prices) Act—Regulation—Statutory Rules 1989, No. 352.

Proclamations by His Excellency the Governor-General fixing the dates on which the following Acts and sections of Acts shall come into operation—

Ashmore and Cartier Islands Acceptance Amendment Act 1985—1 October 1989.

Australian Federal Police Legislation Amendment Act 1989—Sections 7 and 15—4 December 1989.

Cash Transaction Reports Act 1988—

Sections 7, 8, 9, 10, 11, 12, 13, 14 and 15—1 July 1990.

Sections 16 and 17—1 January 1990.

Child Support (Assessment) Act 1989—1 October 1989.

Community Services and Health Legislation Amendment Act 1989—

Sections 28, 29, 30, 31, 32, 33, 43 and 44—15 November 1989.

Co-operative Scheme Legislation Amendment Act 1989—Section 3 and Parts 2, 3, 5, 6 and 8—1 November 1989.

Copyright Amendment Act 1989—Sections 3, 5, 7, 12, 13, 21, 22 and 28 and Items 1, 4, 10, 12, 14, 19, 25 and 26 in the Schedule—1 October 1989.

Crimes Legislation Amendment Act 1987—Section 47—1 January 1990.

Horticultural Legislation Amendment Act 1989—Sections 4 and 9, paragraph 10 (c), section 11, to the extent that it inserts a new section 7A in the Horticultural Export Charge Collection Act 1987, sections 12 to 18 (inclusive), section 21, paragraph 22 (c), section 23, to the extent that it inserts a new section 7A in the Horticultural Levy Collection Act 1987, sections 24 to 30 (inclusive) and section 32—1 October 1989.

Industry, Technology and Commerce Legislation Amendment Act 1989—Part 4—30 November 1989.

Navigation Amendment Act 1980—Sections 69 and 71—1 December 1989.

Public Service Act—Determinations—1989—Nos. 144, 155, 156, 162, 163, 164, 165.

Radiocommunications Act—Regulations—Statutory Rules 1989, No. 319.

- Radiocommunications (Frequency Reservation Certificate Tax) Act—Regulations—Statutory Rules 1989, No. 322.
- Radiocommunications (Receiver Licence Tax) Act—Regulations—Statutory Rules 1989, No. 321.
- Radiocommunications (Temporary Permit Tax) Act—Regulations—Statutory Rules 1989, No. 324.
- Radiocommunications (Test Permit Tax) Act—Regulations—Statutory Rules 1989, No. 323.
- Radiocommunications (Transmitter Licence Tax) Act—Regulations—Statutory Rules 1989, No. 320.
- Radiocommunications Taxes Collection Act—Regulations—Statutory Rules 1989, No. 355.
- Registration of Deaths Abroad Act—Regulations—Statutory Rules 1989, No. 338.
- Remuneration Tribunal Act—
Determinations—
1989/10—Members, Resource Assessment Commission.
1989/11—Deputy President, Australian Industrial Relations Commission.
Regulations—Statutory Rules 1989, Nos. 335, 342.
- Seamen's Compensation Act—Regulations—Statutory Rules 1989, No. 348.
- Ships (Capital Grants) Act—Regulations—Statutory Rules 1989, No. 317.
- States Grants (Technical and Further Education Assistance) Act—Determinations—1989—Nos. 28, 29.
- Superannuation Act—Regulations—Statutory Rules 1989, No. 360.
- Trade Practices Act—Regulations—Statutory Rules 1989, No. 336.
- Veterans' Entitlements Act—Instrument varying Pharmaceutical Benefits Scheme, dated 20 November 1989.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr J. J. Brown, Mr I. M. D. Cameron, Mr T. A. Fischer, Mr Goodluck, Mr Jones, Mr Katter, Mrs Kelly, Mr Reith and Mr White.

A. R. BROWNING
Clerk of the House of Representatives