

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 77

FRIDAY, 21 JUNE 1991

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

2 **BUSINESS FOR 21 JUNE 1991 AND SUSPENSION OF SESSIONAL ORDER 101A:** Mr Beazley (Leader of the House), pursuant to notice, moved—That:

(1) unless otherwise ordered, the business for consideration on Friday, 21 June 1991, shall be as follows:

- (a) Notices and orders of the day, government business.
- (b) Messages from the Senate returning or transmitting legislation.
- (c) Presentation of committee reports.
- (d) Presentation of papers; and

(2) sessional order 101A (interruption for question time) be suspended for this sitting.

Debate ensued.

Question—put and passed.

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

National Common Police Services—Australian Police Ministers' Council—Report for 1989-90.

Review of Commonwealth criminal law—5th Interim report, dated June 1991.

4 **PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS:** Mr Punch (Chairman) presented the following report:

Public Accounts—Joint Committee—Report 310—Business migration program.

Ordered to be printed.

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

Ordered—That consideration of the report be made an order of the day for the next sitting.

Mr Aldred, Mrs Sullivan and Mrs Crosio, by leave, also made statements in connection with the report.

5 **POSTPONEMENT OF NOTICES:** Ordered—That notices Nos. 2 and 3, government business, be postponed until a later hour this day.

6 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:

20 June 1991—Message—

No. 249—Customs Tariff Amendment 1991 (*without requests*).

No. 251—Customs Amendment 1991.

No. 252—National Health Amendment 1991.

21 June 1991 a.m.—Message—

No. 253—Community Services and Health Legislation Amendment 1991.

No. 254—Therapeutic Goods (Charges) Amendment 1991.

7 MESSAGE FROM THE SENATE—BOUNTY LEGISLATION AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 250

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend certain Acts providing for the payment of bounty, 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 June 1991

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—Schedule, page 3, proposed amendments of the *Bounty and Capitalisation Grants (Textile Yarns) Act 1981*, omit proposed subsection 5 (5A).

No. 2—Schedule, page 4, proposed amendments of the *Bounty (Bed Sheetting) Act 1977*, omit proposed subsection 5 (3A).

No. 3—Schedule, page 5, proposed amendments of the *Bounty (Computers) Act 1984*, omit proposed subsection 9 (3A).

No. 4—Schedule, page 8, proposed amendments of the *Bounty (Metal Working Machines and Robots) Act 1985*, omit proposed subsection 16 (8A).

No. 5—Schedule, page 11, proposed amendments of the *Bounty (Printed Fabrics) Act 1981*, omit proposed subsection 5 (4A).

On the motion of Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Dubois reported accordingly.

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

8 MESSAGE FROM THE SENATE—HEALTH LEGISLATION (PHARMACEUTICAL BENEFITS) AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 256

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Health Insurance Commission Act 1973' and the 'National Health Act 1953' in relation to the supply of pharmaceutical benefits*", 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, 21 June 1991 a.m.

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

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 2, paragraph (3)(a), line 2, omit the paragraph, substitute the following paragraph:

“(a) section 5, paragraph 7 (c) and sections 8 and 9;”.

No. 2—Clause 2, page 2, paragraph (4)(a), line 7, omit the paragraph, substitute the following paragraph:

“(a) paragraphs 7 (b) and (d), sections 13 and 14, paragraphs 15 (a), (b), (d), (e), (f), (g) and (h) and sections 16 and 17;”.

No. 3—Clause 2, page 2, at end of clause, add the following subclause:

“(6) Paragraph 7 (a), subsections 10 (2) and (3), sections 11 and 12 and paragraphs 15 (c) and (i) come into effect on:

(a) 1 July 1992; or

(b) the day after guidelines issued under section 135AA of the *National Health Act 1953* have been approved in the same form by both Houses of Parliament; or

(c) the day after a joint inquiry of the Department of Finance and the Auditor-General has reported to both Houses of Parliament that the estimated savings contained in the financial impact statement in the explanatory memorandum to the *Health Legislation (Pharmaceutical Benefits) Amendment Bill 1991* are realistic estimates and that equivalent savings could not be obtained through the use of alternative eligibility checking systems which are no more intrusive than the eligibility checking proposal contained in the *Health Legislation (Pharmaceutical Benefits) Amendment Act 1991*;

whichever is the later.”.

No. 4—Clause 10, page 5, subclause (2), lines 24 to 37, omit the subclause, substitute the following subclause:

“(2) Section 87 of the Principal Act is amended:

(a) by adding at the end of subsection (2) the following word and paragraph:

‘; or (f) upon a no-benefit prescription—charge the person to whom the pharmaceutical benefit is supplied the amount agreed upon between that person and the approved pharmacist or approved medical practitioner’;

(b) by inserting in subsection (2A) ‘other than paragraph (2)(f)’ after ‘subsection (2)’.”.

No. 5—Clause 15, page 10, at end of clause, add the following paragraph:

“; (i) by inserting after subsection (3) the following subsections:

‘(3A) If:

(a) the Commonwealth is liable under section 87A to pay an amount to an eligible person in relation to the supply by an approved supplier of a pharmaceutical benefit to the eligible person; and

(b) the amount (in this subsection called the “**purchase price**”) paid by the eligible person to the approved supplier in respect of the supply of the pharmaceutical benefit is higher than the Commonwealth price of the pharmaceutical benefit;

the Secretary may, by notice in writing to the approved supplier require the supplier to pay to the Commonwealth an amount equal to the difference between the purchase price, and the Commonwealth price, of the pharmaceutical benefit.

‘(3B) The Commonwealth may, by action in a court of competent jurisdiction, recover any amount specified in a notice given to an approved supplier under subsection (3A) as a debt due to the Commonwealth by the supplier.’”.

No. 6—Clause 17, page 11, paragraphs (a) to (c), lines 5 to 7, omit the paragraphs, substitute the following:

“by adding the following paragraph:

‘(g) a determination under paragraph 98C(1)(b).’”.

No. 7—After clause 17, page 11, add the following clause:

“18. After section 135A of the Principal Act, the following sections are inserted:

Issue of privacy guidelines for the conduct of the Medicare and Pharmaceutical Benefits Program

‘135AA. (1) The Privacy Commissioner must, by notice in writing, issue guidelines for the conduct of the Medicare and Pharmaceutical Benefits Programs.

‘(2) Guidelines under subsection (1) must be issued before 1 April 1992. Thereafter, the Privacy Commissioner may, from time to time, issue further guidelines to replace or vary any existing guidelines.

‘(3) The Privacy Commissioner must report to the Parliament any failure to issue guidelines in accordance with subsection (2) within 15 sitting days of 1 April 1992.

‘(4) Any guidelines issued under this section are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

‘(5) Section 46A of the *Acts Interpretation Act 1901* applies to guidelines issued under this section as if the following paragraph were inserted after paragraph (1)(a) of that section:

(aa) section 48 applies as if paragraph 48(1)(b) were omitted and the following paragraph substituted:

(i) the first day on which the guidelines are no longer liable to be disallowed; or

(ii) if the guidelines make provision for their commencement after that day—in accordance with that provision.

‘(6) Any guidelines issued under this section shall include an outline of the procedures that must be followed to ensure:

(a) the security of information transferred between the Commission and pharmacists or medical practitioners for the purpose of checking individuals’ eligibility for the Pharmaceutical Benefits Program;

(b) the separation of information relating to claims upon the Pharmaceutical Benefits Program from information relating to claims upon the Medicare Benefits Program;

(c) that all information relating to claims upon the Pharmaceutical Benefits or Medicare Benefits Programs is de-identified within five years of its receipt by the Commission, unless such information relates to a current action that is pending in relation to an individual;

(d) that the Commission uses the most up-to-date, available information when checking the eligibility of concessionary beneficiaries to the Pharmaceutical Benefits Program.

‘(7) Before issuing guidelines under this section, the Privacy Commissioner shall take all reasonable steps to consult with all relevant organisations, including the Commission and representatives of the pharmacy and medical professions.

‘(8) In this section, “**Medicare Benefits Program**” means the provision of a medicare benefit under Part II of the *Health Insurance Act 1973* and “**Pharmaceutical Benefits Program**” means the supply of a pharmaceutical benefit under Part VII of this Act.

Breaches of the privacy guidelines

'135AB. (1) A breach of the guidelines issued under section 135AA constitutes an act or practice involving interference with the privacy of an individual for the purposes of section 13 of the *Privacy Act 1988*.

'(2) An individual may complain to the Privacy Commissioner about an act or practice in relation to the operation of guidelines issued under section 135AA of this Act which may be an interference with the privacy of an individual.

'(3) In the event of a complaint being made by an individual, it shall be dealt with in accordance with the provisions of Part V of the *Privacy Act 1988*, which shall apply with such modifications as the circumstances require to the guidelines issued under section 135AA of this Act.'.

On the motion of Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Dubois reported accordingly.

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

9 MESSAGE FROM THE SENATE—NATIONAL FOOD AUTHORITY BILL 1991:

The following message from the Senate was reported:

Message No. 255

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to establish a National Food Authority with functions relating to the development of food standards, 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, 21 June 1991 a.m.

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

*In the committee***SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE**

No. 1—Clause 9, page 6, paragraph (d), line 32, omit the paragraph, substitute the following paragraph:

"(d) any information about food including labelling, promotion and advertising;".

No. 2—Clause 10, page 6, paragraph (b), line 43, at end of paragraph, add "and to prevent fraud and deception".

No. 3—Clause 10, page 7, paragraph (e), lines 3 and 4, omit the paragraph, substitute the following paragraph:

"(e) the promotion of consistency between domestic and international food standards where these are at variance, providing it does not lower the Australian standard."

No. 4—Clause 36, page 17, subclause (1), line 29, at end of subclause, add "and in a newspaper circulating in each State or Territory".

No. 5—Clause 40, page 21, paragraphs (1)(c) and (d), lines 1 to 3, omit the paragraphs, substitute the following paragraphs:

"(c) a member who has a background in consumer rights; and

(d) 2 other members; and

(e) such other members, if any, as are appointed for a special purpose."

No. 6—Clause 40, page 21, paragraph (3) (f), line 15, omit the paragraph, substitute the following paragraph:

“(f) consumer rights.”

No. 7—Clause 40, page 21, subclause (4), after the subclause, insert the following subclause:

“(4A) The Minister may only appoint a person as a member mentioned in paragraph (1) (c) if the Minister is satisfied that the person has a good knowledge of consumer rights and consumer affairs policy in Australia.”

No. 8—Clause 40, page 21, subclause (5), line 20, omit “(1) (d)”, substitute “(1) (e)”.

No. 9—Clause 41, page 22, subclause (5), lines 4 to 7, omit the subclause.

On the motion of Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.

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

- 10 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' BUSINESS:** Mr Sciacca (Parliamentary Secretary to the Minister for Social Security), for Mr Beazley (Leader of the House), pursuant to notice, moved—That so much of the standing and sessional orders be suspended as would prevent order of the day No. 18, private Members' business, being called on forthwith.

Question—put and passed.

- 11 **NATIONAL MEASUREMENT (STANDARD TIME) AMENDMENT BILL 1991:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

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

Schedule—

Page 4, after:

“Christmas Island	7 hours in advance of Coordinated Universal Time”
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insert:

“The Territory of Ashmore and Cartier Islands	8 hours in advance of Coordinated Universal Time”.
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Page 4, omit:

“ <i>Western Standard Time Zone</i> The State of Western Australia and the Territory of Ashmore and Cartier Islands	8 hours in advance of Coordinated Universal Time”,
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substitute:

“ <i>Western Standard Time Zone</i> The State of Western Australia	9 hours in advance of Coordinated Universal Time”.
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Page 4, omit the description of standard time in the Central Standard Time Zone, substitute “9 hours in advance of Coordinated Universal Time”.

Page 4, omit the description of standard time in the Eastern Standard Time Zone, substitute "9 hours in advance of Coordinated Universal Time".

Debate continued.

Paper: Mr R. F. Edwards, by leave, presented the following paper:

"Sun-times" in Australia—Copies of graphs indicating times at various Australian localities.

Amendments negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Dubois reported accordingly.

On the motion of Mr Price (Parliamentary Secretary to the Prime Minister), the House adopted the report, and, by leave, the Bill was read a third time.

12 MESSAGE FROM THE SENATE—MIGRATION AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 258

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Migration Act 1958'*", 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, 21 June 1991

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—Clause 18, page 11, before paragraph (a), insert the following paragraphs:

"(aa) by omitting from subsection (1) 'to be seeking to enter Australia in circumstances in which the person would become an illegal entrant' and substituting 'would become an illegal entrant if the person were to enter Australia (whether or not the person is seeking to enter Australia)';

(ab) by inserting in subsections (1) and (2) 'or until the person is granted an entry permit' before 'or until';"

No. 2—Clause 19, page 11, paragraph (a), lines 25 and 26, omit the paragraph, substitute the following paragraphs:

"(a) by omitting from subsections (1) and (2) 'to be seeking to enter Australia in circumstances in which the person would become an illegal entrant' and substituting 'would become an illegal entrant if the person were to enter Australia (whether or not the person is seeking to enter Australia)';

(aa) by omitting from subsections (1), (2) and (3) all the words after 'removed from Australia' and substituting 'or the person is granted an entry permit';"

No. 3—After clause 26, page 14, add the following clause:

Application of amendments—sections 88 and 89 of the Principal Act

“27. In spite of the amendments of sections 88 and 89 of the Principal Act made by this Act, those sections continue to apply, in relation to a person taken into custody before the commencement of this section, as if those amendments had not been made.”.

No. 4—Title, page 1, at end of Title, add “, and for related purposes”.

On the motion of Mr Hand (Minister for Immigration, Local Government and Ethnic Affairs), the amendments were agreed to, after debate. Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.
On the motion of Mr Hand, the House adopted the report.

- 13 **SELECT AND STANDING COMMITTEES:** The House was informed of the nominations of Members to be members of the following committees:

Televising of the House of Representatives—Select Committee:

Mr R. F. Edwards and Mrs Darling had been nominated by the Government Whip and Mr Jull and Mr Hicks had been nominated by the Opposition Whip.

Employment, Education and Training—Standing Committee:

Mr Elliott had been nominated by the Government Whip in place of Mr Price (Parliamentary Secretary to the Prime Minister).

Long Term Strategies—Standing Committee:

Mr K. J. Andrews had been nominated by the Opposition Whip in place of Mr Bradford.

- 14 **HOUSE COMMITTEE:** Mr Beazley (Leader of the House), by leave, moved—That Mr Price (Parliamentary Secretary to the Prime Minister) be discharged from attendance on the House Committee and that, in his place, Mr Elliott be appointed a member of the committee.

Question—put and passed.

- 15 **BROADCASTING OF PARLIAMENTARY PROCEEDINGS—JOINT COMMITTEE:**

Mr Beazley (Leader of the House), by leave, moved—That, in accordance with the provisions of the *Parliamentary Proceedings Broadcasting Act 1946*, Mr Price (Parliamentary Secretary to the Prime Minister) be discharged from attendance on the Joint Committee on the Broadcasting of Parliamentary Proceedings, and that, in his place, Mr L. J. Scott be appointed a member of the committee.

Question—put and passed.

- 16 **PRIVILEGES COMMITTEE—REPORT—STATEMENTS BY MEMBERS:** Mr Gear (Chairman) presented the following report and related papers:

Committee of Privileges—Matter referred to the committee on 18 April 1991—Report on possible intimidation of Mr W. Willis in respect of his involvement with an inquiry by the Standing Committee on Legal and Constitutional Affairs, including minutes of proceedings, dated 21 June 1991.

Ordered to be printed.

Mr Gear and Mr Peacock, by leave, made statements in connection with the report.

- 17 **MESSAGE FROM THE SENATE—WOOL TAX (NOS. 1 TO 5) AMENDMENT BILLS 1991:** The following message from the Senate was reported:

Message No. 257

Mr Speaker,

The Senate returns to the House of Representatives the bills for:

“An Act to amend the ‘Wool Tax Act (No. 1) 1964’ and the ‘Wool Tax (No. 1) Further Amendment Act 1990’.

An Act to amend the 'Wool Tax Act (No. 2) 1964' and the 'Wool Tax (No. 2) Further Amendment Act 1990',

An Act to amend the 'Wool Tax Act (No. 3) 1964' and the 'Wool Tax (No. 3) Further Amendment Act 1990',

An Act to amend the 'Wool Tax Act (No. 4) 1964' and the 'Wool Tax (No. 4) Further Amendment Act 1990',

An Act to amend the 'Wool Tax Act (No. 5) 1964' and the 'Wool Tax (No. 5) Further Amendment Act 1990'”,

and acquaints the House that the Senate has considered message no. 331 of the House in reference to these bills.

The Senate has resolved to press its request for an amendment to each bill, and again requests the House of Representatives to make such amendment to the bills, as indicated by the annexed schedule.

KERRY SIBRAA
President

The Senate,
Canberra, 21 June 1991 a.m.

Statement by Speaker—Power of House in respect of money bills: The Speaker made the following statement:

It is my duty as Speaker to draw the attention of the House to the constitutional question this message involves. When similar circumstances have arisen in the past, Speakers of all persuasions have advised the House of the constitutional principles involved, and the House has invariably endorsed their statements.

The message purports to repeat the requests for amendments contained in Message No. 244 which the House rejected at its sitting yesterday. The House of Representatives has never accepted that the Senate has a right to repeat and thereby press or insist on a request for an amendment in a Bill which the Senate may not amend. The question as to the justiciability of the Senate purportedly pressing a request by repetition is uncertain. It is, however, a matter of constitutional propriety as between the Houses based on the provisions of sections 53 to 57 of the Constitution. Legal opinions supporting the argument that the Constitution does not empower the Senate to press a request have been advanced by Quick and Garran, who were intimately involved in the development of the Constitution, and by eminent constitutional lawyers, past and present. Respectfully, I agree with the opinions but do not propose to repeat the arguments which are summarised in *House of Representatives Practice* at pages 447-51. Copies of the relevant extracts from *House of Representatives Practice* have been circulated to Members in the chamber.

From time to time, the House, having regard to the fact that the public welfare demanded the early passage of the legislation, has resolved to refrain from the determination of its constitutional rights in respect of a Message purporting to press requests, and to advise the Senate of this resolution in any Message returning the Bill to the Senate. The House has then considered the Message.

It rests with the House as to whether it will consider Message No. 257 insofar as it purports to press the requests that were contained in Message No. 244. In the circumstances of the present case, the House may deem it appropriate to pass a resolution that, as the public welfare demands the early consideration of the legislation, the House refrains from affirming its constitutional rights in respect of such a message.

Mr Crean (Minister for Primary Industries and Energy) moved—That:

- (1) this House endorses the statement of the Speaker in relation to the constitutional questions raised by Message No. 257 transmitted from the Senate in relation to the Wool Tax (Nos. 1 to 5) Amendment Bills 1991;

- (2) this House having regard to the fact that the public interest demands the early consideration of the legislation, refrains from the determination of its constitutional rights in respect of such message;
- (3) this House resolves to consider the message in committee of the whole House forthwith; and
- (4) part (2) of this resolution be incorporated in the message when the Bill is returned to the Senate.

Question—put and passed.

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

In the committee

SCHEDULE SHOWING THE ORIGINAL REQUESTED AMENDMENT OF THE SENATE WHICH THE HOUSE OF REPRESENTATIVES HAS NOT MADE TO EACH BILL, AND WHICH THE SENATE AGAIN REQUESTS THE HOUSE TO MAKE TO EACH BILL

Clause 4, page 2, paragraph (b), omit “15%”, substitute “10%”.

Mr Crean moved—That the requested amendments be not made, but that in place thereof, each of the Bills be amended as follows:

Clause 6, page 2, after paragraph (g) insert the following paragraph:

“(ga) by inserting in subsection (5) ‘that is to be applicable on or after 1 July 1992’ after ‘tax’;”.

Debate ensued.

Question—put.

The committee divided (the Deputy Chairman, Mr L. J. Scott, in the Chair)—

AYES, 68

Mr Baldwin	Mr Duncan	Mrs Jakobsen	Mr O’Keefe
Mr Beazley	Mr R. F. Edwards	Mr Jenkins	Mr O’Neil
Mr Beddall	Mr Elliott	Mr Johns	Mr Price
Mr Bevis	Mr Ferguson	Mr Jones	Mr Punch
Dr Blewett	Mr Fitzgibbon	Mr Keating	Mr Sawford
Mr Brereton	Mr Free	Mrs Kelly	Mr Scholes
Mr R. J. Brown	Mr Gayler	Mr Kerin	Mr Snowdon
Mr Campbell	Mr Gear*	Mr Kerr	Mr J. L. Scott
Dr Catley	Mr Gibson	Mr Langmore	Mr Simmons
Dr Charlesworth	Mr Gorman	Mr Lee	Mr Snowdon
Mr Courtice	Mr Grace*	Mr Lindsay	Mr Staples
Ms Crawford	Mr Griffiths	Ms McHugh	Dr Theophanous
Mr Crean	Mr Hand	Mr Mack	Mr Tickner
Mrs Crosio	Mr Holding	Mr Melham	Mr Walker
Mr Dawkins	Mr Hollis	Mr A. A. Morris	Mr West
Mr Dubois	Mr Howe	Mr P. F. Morris	Mr H. F. Woods
Mr Duffy	Mr Humphreys	Mr Newell	Mr Wright

NOES, 56

Mr J. N. Andrew*	Mr Connolly	Mr Hicks*	Mr Rocher
Mr K. J. Andrews	Mr Cowan	Mr Jull	Mr Ronaldson
Mr Atkinson	Mr Dobie	Mr Lloyd	Mr Ruddock
Mrs Bailey	Mr Downer	Mr McArthur	Mr Sharp
Mr Beale	Dr H. R. Edwards	Mr McGauran	Mr Sinclair
Mr Bradford	Mr Fife	Mr MacKellar	Mr Smith
Mr Broadbent	Mr Filing	Mr Miles	Mr Somlyay
Mr Burr	Mr P. S. Fisher	Mr Moore	Mrs Sullivan
Mr Cadman	Mr Ford	Mr Nehl	Mr Taylor
Mr Cameron	Mrs Gallus	Mr Nugent	Mr Truss
Mr Carlton	Mr Goodluck	Mr Peacock	Mr Tuckey
Mr Chaney	Mr Hall	Mr Prosser	Mr Webster
Mr Charles	Mr Halverson	Mr Reid	Mr Wilson
Mr Cobb	Mr Hawker	Mr Reith	Dr Wooldridge

* Tellers

And so it was resolved in the affirmative.

Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.
On the motion of Mr Crean, the House adopted the report.

- 18 **SELECTION COMMITTEE—REPORT:** Mr R. F. Edwards (Chairman) presented the following report:

Selection Committee—Report relating to the program of business prior to 12.30 p.m. on Thursday, 22 August 1991.

- 19 **CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—STATEMENT BY MEMBER:** Mr Kerr, by leave, made a statement concerning the future program of the Parliamentary Joint Committee on Corporations and Securities.

- 20 **ARTS, SPORT, ENVIRONMENT AND TOURISM LEGISLATION AMENDMENT BILL 1991:** Mr Simmons (Minister for the Arts, Tourism and Territories), pursuant to notice, presented a Bill for an Act to amend legislation relating to the arts, sport, the environment and tourism.

Bill read a first time.

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

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

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

- 21 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:

21 June 1991—Message—

No. 259—Corporations Legislation Amendment 1991.

No. 260—Training Guarantee (Administration) Amendment 1991.

No. 261—Foreign Judgments 1991.

No. 263—Courts (Mediation and Arbitration) 1991.

No. 264—Export Control Amendment 1991.

- 22 **MESSAGE FROM THE SENATE—PROCEEDS OF CRIME LEGISLATION AMENDMENT BILL 1991:** The following message from the Senate was reported:

Message No. 262

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend certain acts in relation to proceeds of crime, 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, 21 June 1991

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—Clause 9, page 3, proposed subsection 208DA(1), after definition of “Official Trustee”, insert the following definition:

“‘prescribed officer’ means a Senior Executive Service Officer in the Attorney-General’s Department appointed or employed under the *Public Service Act 1922*”.

No. 2—Clause 9, page 4, proposed subsection 208DA(4), line 12, omit “person”, substitute “prescribed officer”.

No. 3—Clause 14, page 5, after proposed definition of “GBE”, insert the following definition:

“‘prescribed officer’ means a Senior Executive Service Officer in the Attorney-General’s Department appointed or employed under the *Public Service Act 1922*”.

No. 4—Clause 15, page 6, paragraph (b), proposed subsection 20(3A), line 42, omit “person”, substitute “prescribed officer”.

No. 5—Clause 17, page 7, paragraph (b), proposed subsection 30(4A), line 38, omit “person”, substitute “prescribed officer”.

On the motion of Mr Free (Minister for Science and Technology), the amendments were agreed to.

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

Resolution to be reported.

The House resumed; Mr Dubois reported accordingly.

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

23 WILDLIFE PROTECTION (REGULATION OF EXPORTS AND IMPORTS)

AMENDMENT BILL 1990: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications), by leave, the following amendments were made together:

Amendment—

Clause 3, page 2, proposed definition of “program exempt specimen”, lines 4 to 6, omit the definition, substitute the following definition:

““controlled specimen” means a specimen that is a controlled specimen because of a declaration in force under section 10A;”.

New clause—

Page 2, after clause 4 insert the following new clause:

“4A. After section 9 of the Principal Act the following sections are inserted:

Register of persons concerned about management programs

‘9A. (1) The Designated Authority must maintain a register containing a list of the names and postal addresses of persons and organisations who are to be notified of:

- (a) proposals for declarations of approved management programs under section 10; and

(b) proposals for declarations of controlled specimens under section 10A.

'(2) As soon as practicable after the commencement of this section and on each anniversary of that commencement, the Designated Authority must give public notice:

- (a) inviting persons and organisations to have their names and postal addresses entered on the register; and
- (b) in the case of the second or a later notice given when there is a person or organisation on the register—inviting persons and organisations on the register to have their names and postal addresses left on the register.

'(3) A notice must state that the acceptance of an invitation:

- (a) is to be in writing sent to the Designated Authority at a place specified in the notice accompanied, except in the case of an invitation under paragraph (2)(b), by particulars of the name and postal address of the acceptor; and
- (b) is to be given:
 - (i) in the case of a person, or organisation, in existence on the publication of the notice—within one month after that publication; and
 - (ii) in any other case—within 12 months after that publication.

'(4) Where a person or organisation accepts an invitation in the way required by the notice, the Designated Authority is to enter, or retain, the name and postal address of the person or organisation on the register.

'(5) The Designated Authority may vary the address on the register of a person or organisation at the written request of the person or organisation.

'(6) The Designated Authority must remove the name and address of a person or organisation from the register if:

- (a) in the case of a name and address that was on the register before the most recent notice under subsection (2)—the invitation to keep that name and address on the register was not accepted within one month after the publication of that notice; or
- (b) the person or organisation makes a written request for the removal; or
- (c) the Designated Authority becomes satisfied that:
 - (i) in the case of a natural person—the person has died; or
 - (ii) in any other case—the person or organisation has ceased to exist.

'(7) In subsection (2), a reference to public notice is a reference to a notice published:

- (a) in the *Gazette*; and
- (b) in each State and internal Territory in a newspaper circulating generally in that State or Territory; and
- (c) in each external Territory that the Minister considers appropriate (if any) in a newspaper circulating generally in that external Territory.

Views of concerned persons to be considered before making declarations

'9B. (1) Where the Minister proposes to:

- (a) declare an approved management program under section 10; or
- (b) declare a controlled specimen under section 10A;

the Designated Authority must send each person and organisation on the register maintained under section 9A written notice of the proposal and, without contravening the *Privacy Act 1986*, sufficient information to enable the person or organisation to consider adequately the merits of the proposal.

'(2) A person or organisation on the register may give the Designated Authority written comments on the proposal within one month after its receipt of the notice or such longer period as the Designated Authority determines.

'(3) The Minister is not to make the proposed declaration unless the Minister has considered all comments on the proposal given under subsection (2).''

Amendment—

Clause 6, page 3, lines 20 to 41, and page 4, lines 1 to 26, proposed subsections 10A(2) to (7), omit "program exempt specimens" (wherever occurring), substitute "controlled specimens".

New clause—

Page 6, after clause 12 insert the following new clause:

Delegation by Minister

"12A. Section 76 of the Principal Act is amended:

- (a) by adding at the end of paragraph (1)(ca) 'and';
- (b) by omitting paragraph (1)(d)."

Amendments—

Schedule—

Page 7, heading to Schedule, omit "PROGRAM EXEMPT SPECIMENS", substitute "CONTROLLED SPECIMENS".

Pages 7 and 8, omit "program exempt" (wherever occurring), substitute "controlled".

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr L. J. Scott reported accordingly.

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

- 24 **BUILDING A COMPETITIVE AUSTRALIA—PAPER—MOTION TO TAKE NOTE OF PAPER:** The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the paper (*presented on 12 March 1991*), viz.:

Building a competitive Australia—Statements by Mr Hawke, Prime Minister, Mr Keating, Treasurer and Senator Button, Minister for Industry, Technology and Commerce, dated 12 March 1991—

Debate resumed.

Mr McGauran, who had already spoken, again addressed the House, by leave. Debate continued.

Public Accounts—Joint Committee—Report—Statement by Speaker: The Speaker referred to the 308th Report of the Joint Committee of Public Accounts—The Parliamentary Information Systems Office (PISO) 'Unofficial Account' and informed the House that, as all outstanding action on the committee's recommendations would be concluded during the winter adjournment, the Presiding Officers intended to respond to the report early in the Budget sittings.

Debate continued.

Mr J. L. Scott was granted leave to continue his speech when the debate is resumed.

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

25 **MESSAGES FROM THE SENATE:** Messages from the Senate, dated 21 June 1991, were reported:

(a) returning the Transport Legislation Amendment Bill 1991 without amendment—Message No. 265.

(b) returning the Wool Tax (Nos. 1 to 5) Amendment Bills 1991 and acquainting the House that the Senate does not further press its request for an amendment to each bill, which the House of Representatives again has not made, and has agreed to the amendment made to each bill by the House in place thereof, and has agreed to the bills—Message No. 266.

26 **MESSAGE FROM THE SENATE—AUSTRALIAN WOOL CORPORATION BILL 1991:** The following message from the Senate was reported:

Message No. 268

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to establish an Australian Wool Corporation, 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, 21 June 1991

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—Clause 3, page 2, definition of "**company auditor**", lines 28 and 29, omit the definition.

No. 2—Clause 3, pages 2 and 3, definition of "**Corporation auditor**", line 41 (page 2) to line 3 (page 3), omit the definition.

No. 3—Clause 8, page 8, subclause (1), line 20, at end of subclause, add "including the Wool Council of Australia".

No. 4—Clause 21, pages 12 and 13, subclause (3), line 44 (page 12) to line 2 (page 13), omit all words from "equal" to end of subclause, substitute "equal to such percentage of the sale value of that shorn wool (other than carpet wool) or of that carpet wool (as the case may be) as is applicable under the regulations".

No. 5—Clause 30, page 16, subclause (2), lines 19 and 20, omit the subclause, substitute the following subclause:

"(2) Before preparing a corporate plan, the Corporation must consult with the Wool Council of Australia and may consult with any other representative of the wool industry as it thinks fit."

No. 6—Clause 41, page 20, subclause (1), line 6, omit "1 May", substitute "31 May".

No. 7—Clause 76, pages 33 and 34, line 29 (page 33) to line 23 (page 34), omit "Corporation auditor" (wherever occurring), substitute "Auditor-General".

No. 8—Clause 77, pages 34 and 35, line 24 (page 34) to line 7 (page 35), omit the clause.

- No. 9—Clause 78, page 35, lines 8 to 14, omit the clause.
 No. 10—Clause 93, page 41, subclause (3), lines 5 and 6, omit “Corporation auditor”, substitute “Auditor-General”.
 No. 11—Clause 93, page 41, subclause (4), line 19, omit “Corporation auditor”, substitute “Auditor-General”.
 On the motion of Mr Crean (Minister for Primary Industries and Energy), the amendments were agreed to.
 Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.
 On the motion of Mr Crean, the House adopted the report.

27 MESSAGE FROM THE SENATE—AUSTRALIAN WOOL REALISATION COMMISSION BILL 1991: The following message from the Senate was reported:

Message No. 267

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to make provision for the repeal of the ‘Wool Marketing Act 1987’ and for continuing the existence of the Australian Wool Corporation existing under that Act under a new name and with new functions, 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, 21 June 1991

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—Clause 3, page 2, definition of “**Commission auditor**”, lines 32 to 36, omit the definition.
 No. 2—Clause 3, page 2, definition of “**company auditor**”, lines 37 and 38, omit the definition.
 No. 3—Clause 21, page 11, lines 26 and 27, omit all words from “in” to “industry”, substitute “either to the contributing levy payers or to the benefit of Australian woolgrowers generally, as the Minister determines after consultation with the Wool Council and other representatives of the wool industry”.
 No. 4—Clause 25, page 13, subclause (2), line 5, omit “11% of the sale value of that shorn wool”, substitute “such percentage of the sale value of that shorn wool as is applicable under the regulations”.
 No. 5—Clause 32, page 16, subclause (2), lines 1 and 2, omit the subclause, substitute the following subclause:
 “(2) Before preparing a corporate plan, the Commission must consult with the Wool Council of Australia and may consult with any other representative of the wool industry as it thinks fit.”.
 No. 6—Clause 64, pages 28 and 29, line 17 (page 28) to line 11 (page 29), omit “Commission auditor” (wherever occurring), substitute “Auditor-General”.
 No. 7—Clause 65, page 29, lines 12 to 36, omit the clause.

No. 8—Clause 66, pages 29 and 30, line 37 (page 29) to line 2 (page 30), omit the clause.

No. 9—Clause 71, page 32, subclause (3), lines 12 and 13, omit “Commission auditor”, substitute “Auditor-General”.

No. 10—Clause 71, page 32, subclause (4), line 26, omit “Commission auditor”, substitute “Auditor-General”.

On the motion of Mr Crean (Minister for Primary Industries and Energy), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.

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

28 MESSAGE FROM THE SENATE—PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 269

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Primary Industries and Energy Research and Development Act 1990’ to make provision in relation to the R & D Corporation in respect of the wool industry, and for other purposes*”, 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, 21 June 1991

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

Clause 7, page 4, proposed subsection 30B (3), lines 37 to 39, omit all words from “equal” to end of proposed subsection, substitute “equal to such percentage of the sale value of that shorn wool (other than carpet wool) or of that carpet wool (as the case may be) as is applicable under the regulations”.

On the motion of Mr Crean (Minister for Primary Industries and Energy), the amendment was agreed to.

Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.

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

29 MESSAGE FROM THE SENATE—AUSTRALIAN WOOL INDUSTRY COUNCIL BILL 1991: Message No. 270, dated 21 June 1991, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to provide for the establishment of an industry council for the wool industry, and for related purposes*”.

Bill read a first time.

Mr Crean (Minister for Primary Industries and Energy) moved—That the Bill be now read a second time.

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

Leave granted for debate to ensue.

Mr Lloyd (Deputy Leader of the National Party of Australia) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House deploras the Government’s decision to set the rate of the Wool Tax by regulation and in excess of 10 percent”.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 55

Mr Baldwin	Mr Dubois	Mrs Jakobsen	Mr Punch
Mr Beazley	Mr Duffy	Mr Jenkins	Mr Sciacca
Mr Beddall	Mr Elliott	Mr Jones	Mr J. L. Scott
Mr Bevis	Mr Ferguson	Mr Keating	Mr L. J. Scott
Dr Blewett	Mr Fitzgibbon	Mrs Kelly	Mr Simmons
Mr Breerton	Mr Gayler	Mr Kerin	Mr Snowdon
Mr R. J. Brown	Mr Gear*	Mr Langmore	Mr Staples
Mr Campbell	Mr Gibson	Mr Lindsay	Dr Theophanous
Dr Catley	Mr Griffiths	Ms McHugh	Mr Tickner
Mr Courtice	Mr Hand	Mr Mack	Mr Walker
Ms Crawford	Mr Holding	Mr Melham	Mr West
Mr Crean	Mr Hollis	Mr A. A. Morris	Mr H. F. Woods
Mrs Crosio	Mr Howe	Mr P. F. Morris	Mr Wright*
Mr Dawkins	Mr Humphreys	Mr Newell	

NOES, 33

Mr K. J. Andrews	Mr Charles	Mr Hicks*	Mr Smith
Mr Atkinson	Mr Connolly	Mr Jull	Mr Somlyay
Mrs Bailey	Dr H. R. Edwards	Mr Lloyd	Mrs Sullivan
Mr Beale	Mr Fife	Mr McGauran	Mr Taylor
Mr Bradford	Mr Filing	Mr MacKellar	Mr Truss
Mr Broadbent	Mr Ford	Mr Nehl	Dr Wooldridge
Mr Cadman	Mrs Gallus	Mr Reid	
Mr Cameron	Mr Halverson*	Mr Reith	
Mr Carlton	Mr Hawker	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

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

Leave granted for third reading to be moved forthwith.

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

30 **SPECIAL ADJOURNMENT:** Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 20 August 1991, at 2 p.m., unless otherwise called together by the Speaker, or, in the event of the Speaker being unavailable, by the Chairman of Committees.

Question—put and passed.

31 **LEAVE OF ABSENCE TO ALL MEMBERS:** Mr Beazley (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

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

Question—put and passed.

And then the House, at 7.24 p.m., adjourned until Tuesday, 20 August 1991, at 2 p.m., in accordance with the resolution agreed to this day.

PAPERS: The following papers were deemed to have been presented on 21 June 1991:

Defence Act—Determinations under section 58B—1991—

No. 61—Middle East Naval Sanctions Allowance.

No. 65—Special Royal Navy Allowance.

Remuneration Tribunal Act—Remuneration Tribunal—Determination—
1991/13—Members of Parliament—Postage entitlement.

States Grants (Petroleum Products) Act—Amendments of the schedules to
the subsidy schemes in relation to the States and the Northern Territory,
dated 19 June 1991.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Anderson, Mr Bilney, Mr Braithwaite, Mr Costello, Mrs Darling, Ms Fatin, Mr T. A. Fischer, Mr Hawke, Dr Hewson, Mr Howard, Mr Hulls, Dr Kemp, Mr Lavarch, Mr McLachlan, Mr Martin, Mr Riggall, Mr B. C. Scott, Mr Shack, Mr Snow, Mr Willis and Dr R. L. Woods.

L. M. BARLIN

Clerk of the House of Representatives