

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES
VOTES AND PROCEEDINGS

No. 91

MONDAY, 14 OCTOBER 1991

- 1 The House met, at 2 p.m., pursuant to adjournment. The Acting Speaker (Mr R. F. Edwards) took the Chair, and read Prayers.
- 2 **MINISTERIAL ARRANGEMENTS:** Mr Howe (Acting Prime Minister) informed the House that, during the absences abroad of Mr Hawke (Prime Minister) and Mr Kerin (Treasurer), he was acting as Prime Minister and Mr Willis (Minister for Finance) was acting as Treasurer.
- 3 **QUESTIONS:** Questions without notice were asked.
- 4 **PAPERS:** The following papers were presented:
 - Australian Meat and Live-stock Corporation Act—Australian Meat and Live-stock Corporation—Report for 1990-91.
 - Australian Meat and Live-stock Research and Development Corporation Act—Australian Meat and Live-stock Research and Development Corporation—Report for 1990-91.
 - Local Government (Financial Assistance) Act—Recommendations by State and Northern Territory Local Government Grants Commissions for 1991-92.
 - Trade Practices Act—Trade Practices Commission—Report for 1990-91.
- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH SYSTEM:** The House was informed that Dr R. L. Woods had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The need for the Commonwealth to implement urgent and major structural reform to address the crisis facing our health system which has caused division and chaos in the Government and has led to uncertainty and confusion in the minds of millions of Australians".

The proposed discussion having received the necessary support—
Dr R. L. Woods addressed the House.
Discussion ensued.
Discussion concluded.
- 6 **MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILL:** A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bill:
 - 9 October 1991—Message No. 187—Social Security (Disability and Sickness Support) Amendment 1991.

7 **MESSAGE FROM THE SENATE:** A message from the Senate was reported acquainting the House of changes in the membership of Senators on the following joint committees:

10 October 1991—Message No. 315—

Australian Capital Territory—Joint Committee—

(1) Discharge of Senator Bell.

(2) Appointment of Senator Sowada.

Foreign Affairs, Defence and Trade—Joint Committee—Appointment of Senator Bourne.

Parliamentary Zone—Joint Standing Committee—

(1) Discharge of Senator Bell.

(2) Appointment of Senator Sowada.

8 **LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—GOVERNMENT RESPONSE—PAPER NOTED:** 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 10 September 1991*), viz.:

Legal and Constitutional Affairs—Standing Committee—Report—Islands in the sun: Legal regimes of Australia's external territories and the Jervis Bay Territory, March 1991—Government response—

Debate resumed.

Question—put and passed.

9 **FISHERIES ADMINISTRATION BILL 1991—SENATE'S AMENDMENTS:** The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 4, page 2, definition of “fishery”, paragraph (a), line 29, omit the paragraph, substitute the following paragraph:

“(a) a species or type of fish;”.

No. 2—Clause 4, page 3, at end of clause, add the following subclause:

“(2) For the purposes of this Act:

(a) in relation to a fishery or a managed fishery that is identified by reference to an area, a reference to activities in the fishery or in the managed fishery includes activities in that area; and

(b) in relation to a fishery or a managed fishery that is identified by reference to any matter other than an area, a reference to activities in the fishery or in the managed fishery includes activities in relation to the fishery.”.

No. 3—Clause 6, page 3, paragraph (b), lines 21 to 23, omit the paragraph, substitute the following paragraph:

“(b) ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development, in particular the need to have regard to the impact of fishing activities on non-target species and the marine environment; and”.

No. 4—Clause 7, page 4, paragraph (e), lines 1 and 2, omit “Australian fisheries”, substitute “fisheries managed by the Authority”.

No. 5—Clause 9, page 5, subclause (1), line 4, after “may consult with”, insert “persons, bodies or Governments, including”.

- No. 6—Clause 9, page 5, paragraph (1)(b), lines 7 and 8, omit the paragraph, substitute the following paragraph:
“(b) the Commonwealth Government or State or Territory Governments or Commonwealth, State or Territory authorities having functions relating to fisheries; and”.
- No. 7—Clause 30, page 12, after paragraph (1)(d), insert the following paragraph:
“(da) marine ecology;”.
- No. 8—Clause 34, page 14, subclauses (1) and (2), lines 2 to 6, omit the subclauses, substitute the following subclauses:
“34.(1) The Presiding Member of a Selection Committee is to be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination is in operation, the Presiding Member is to be paid such remuneration as is prescribed.
“(1A) The Presiding Member is to be paid such allowances as are prescribed.
“(2) A member (other than the Presiding Member) is to be paid such travelling allowance as is prescribed.”.
- No. 9—Clause 56, page 19, subclause (3), lines 11 and 12, omit the subclause, substitute the following subclause:
“(3) The Authority may, after consultation with the members of a management advisory committee, vary the committee's functions and powers.”.
- No. 10—Clause 62, page 20, after subclause (2), insert the following subclause:
“(2A) The Authority must try, as far as practicable, to ensure that the membership of a management advisory committee includes an appropriate number of members engaged in, or with experience in, the industry in the fishery in relation to which the management advisory committee is established.”.
- No. 11—Clause 67, page 22, subclause (3), line 19, omit “and (2)”, substitute “, (2) and (4)”.
- No. 12—Clause 67, page 22, subclause (4), line 24, omit “allowances as are”, substitute “travelling allowance as is”.
- No. 13—Clause 98, page 32, paragraph (1)(c), lines 13 to 15, omit the paragraph, substitute the following paragraph:
“(c) to develop, and to submit to the Minister, recommendations, guidelines and plans for measures consistent with the principles of ecologically sustainable development designed to safeguard or further the interests of the industry; and”.
- No. 14—Clause 102, page 34, paragraph (1)(c), lines 12 and 13, omit “Fishing Industry Research and Development Council”, substitute “Fisheries Research and Development Corporation”.
- No. 15—Clause 102, page 34, paragraph (1)(h), lines 21 and 22, omit the paragraph, substitute the following paragraphs:
“(h) a person representing persons having an interest in environmental aspects of the industry;
(ha) a person representing persons having an interest in consumer aspects of the industry;”.
- No. 16—Clause 111, page 39, subclause (3), line 10, omit “and (2)”, substitute “, (2), (4) and (5)”.
- No. 17—Clause 111, page 39, subclause (4), line 13, omit “allowances as are”, substitute “travelling allowance as is”.
- No. 18—Clause 111, page 39, subclause (5), line 17, omit “allowances as are”, substitute “travelling allowance as is”.
- On the motion of Mr Crean (Minister for Primary Industries and Energy), the amendments were agreed to, after debate.
Resolution to be reported.

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

- 10 **FISHERIES MANAGEMENT BILL 1991—SENATE'S AMENDMENTS:** The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—After clause 2, page 2, insert the following clause:

Objectives

“2A.(1) The following objectives must be pursued by the Minister in the administration of this Act and by AFMA in the performance of its functions:

- (a) implementing efficient and cost-effective fisheries management on behalf of the Commonwealth; and
- (b) ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development, in particular the need to have regard to the impact of fishing activities on non-target species and the marine environment; and
- (c) maximising economic efficiency in the exploitation of fisheries resources; and
- (d) ensuring accountability to the fishing industry and to the Australian community in AFMA's management of fisheries resources; and
- (e) achieving government targets in relation to the recovery of the costs of AFMA.

“(2) In addition to the objectives mentioned in subsection (1), or in section 76 of this Act, the Minister, AFMA and Joint Authorities are to have regard to the objectives of:

- (a) ensuring, through proper conservation and management measures, that the living resources of the AFZ are not endangered by over-exploitation; and
- (b) achieving the optimum utilisation of the living resources of the AFZ; but must ensure, as far as practicable, that measures adopted in pursuit of those objectives must not be inconsistent with the preservation, conservation and protection of all species of whales.”

No. 2—Clause 3, page 3, subclause (1), definition of “**charter boat**”, line 9, omit “private”, substitute “recreational”.

No. 3—Clause 3, page 3, subclause (1), definition of “**commercial fishing**”, lines 14 and 15, omit the definition.

No. 4—Clause 3, page 3, subclause (1), after definition of “**continental shelf**”, insert the following definition:

“**‘dealing’** includes a transmission by operation of law;”.

No. 5—Clause 3, page 3, subclause (1), definition of “**fish**”, lines 20 and 21, omit the definition, substitute the following definition:

“**‘fish’** includes all species of bony fish, sharks, rays, crustaceans, molluscs and other marine organisms, but does not include marine mammals or marine reptiles;”.

No. 6—Clause 3, page 3, subclause (1), definition of “**fishery**”, line 24, omit the definition, substitute the following definition:

“**‘fishery’** means a class of activities by way of fishing, including activities identified by reference to all or any of the following:

- (a) a species or type of fish;
- (b) a description of fish by reference to sex or any other characteristic;

- (c) an area of waters or of seabed;
- (d) a method of fishing;
- (e) a class of boats;
- (f) a class of persons;
- (g) a purpose of activities;”.

No. 7—Clause 3, page 3, subclause (1), Note to definition of “fishery”, omit the Note.

No. 8—Clause 3, page 4, subclause (1), after definition of “member”, insert the following definition:

“‘modification’ includes addition, omission and substitution;”.

No. 9—Clause 3, page 4, subclause (1), definition of “private fishing”, line 37, omit the definition.

No. 10—Clause 3, page 5, subclause (1), after definition of “take”, insert the following definition:

“‘temporary order’ means an order made under section 41A;”.

No. 11—Clause 3, pages 5 and 6, subclause (4), line 41 (page 5) to line 8 (page 6), omit the subclause.

No. 12—Clause 3, page 6, after subclause (4), insert the following subclause:

“(4A) For the purposes of this Act:

- (a) in relation to a fishery or a managed fishery that is identified by reference to an area, a reference to activities in the fishery or in the managed fishery includes activities in that area; and
- (b) in relation to a fishery or a managed fishery that is identified by reference to any matter other than an area, a reference to activities in the fishery or in the managed fishery includes activities in relation to the fishery.”.

No. 13—Clause 6, page 7, paragraph (3)(b), line 17, before “does”, insert “subject to subsection (2),”.

No. 14—After clause 6, page 7, insert the following clause:

Application of Act to areas outside the AFZ

“6A.(1) The regulations may provide that, in relation to specified areas outside the AFZ, this Act applies, to:

- (a) Australian citizens; and
- (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
- (c) Australian boats; and
- (d) persons on board Australian boats.

“(2) The Act so applies subject to any exceptions or modifications specified in the regulations.

“(3) When a provision of this Act applies in relation to such an area, then, subject to the regulations, references in that provision to the AFZ are to be read as references to that area.”.

No. 15—Clause 8, pages 7 and 8, line 35 (page 7) to line 14 (page 8), omit the clause, substitute the following clause:

Operation of certain State and Territory laws

“8.(1) Except as provided by subsections (2) and (3), this Act is not intended to exclude or limit the concurrent operation of any law of a State or Territory.

“(2) Subject to subsection (3), the Parliament intends that this Act is to apply to the exclusion of any law of a State or Territory relating to fishing so far as that law would, but for this Act, apply to:

- (a) activities in the AFZ; or
- (b) activities in the coastal waters of a State or Territory in respect of which a fishery to which an arrangement mentioned in section 12K of the *Fisheries Act 1952*, or section 74 of this Act, relates; or
- (c) the landing in the State or Territory of fish taken under a statutory fishing right or fishing permit by requiring such landing to be done

under a licence, permit or similar instrument or upon payment of a fee or charge.

“(3) This Act does not apply to:

- (a) recreational fishing carried on in the AFZ or outside the AFZ by the use of an Australian boat, other than recreational fishing that is prohibited or regulated by a plan of management; or
- (b) recreational fishing carried on by the use of an Australian boat in the coastal waters of a State or Territory, being coastal waters in respect of which an arrangement mentioned in section 12K of the *Fisheries Act 1952*, or section 74 of this Act, relates, other than recreational fishing that is prohibited or regulated by a plan of management; or
- (c) activities in the AFZ to which, because of section 75, this Act does not apply.”.

No. 16—Part 2, page 9, heading to Part, line 1, omit “**CONSERVATION OF**”, substitute “**FISHING AND**”.

No. 17—Clause 11, page 9, lines 2 to 13, omit the clause.

No. 18—Clause 12, page 9, after subclause (1), insert the following subclauses:

“(1A) An Australian citizen must not engage in driftnet fishing activities outside the AFZ.

Penalty: \$50,000.

“(1B) A body corporate that is incorporated in Australia or carries on activities mainly in Australia must not engage in driftnet fishing activities outside the AFZ.

Penalty: \$250,000.

“(1C) A person must not, outside the AFZ, engage in driftnet fishing activities from an Australian boat.

Penalty: \$50,000.”.

No. 19—Clause 12, page 9, subclause (2), definition of “**driftnet**”, line 20, after “length”, insert “, or such shorter length as is prescribed,”.

No. 20—Clause 13, page 10, paragraph (2)(c), line 7, omit the paragraph, substitute the following paragraph:

“(c) the taking, and treatment of, by-catches; and”.

No. 21—Clause 14, page 10, paragraph (1)(a), lines 12 to 16, omit the paragraph, substitute the following paragraph:

“(a) in the AFZ, take black cod (*Epinephelus daemeli*); or”.

No. 22—Clause 14, page 10, subclause (2), line 21, omit “or other prescribed marine animal”.

No. 23—Clause 14, page 10, subclause (3), line 25, omit “or other animal”.

No. 24—Clause 14, page 10, subclause (3), line 26, omit “or other animal”.

No. 25—Clause 15, page 10, subclause (1), lines 30 to 33, omit the subclause, substitute the following subclause:

“15.(1) In performing its functions under this Part, AFMA must pursue its objectives and, in addition, act in accordance with its corporate plan and its current annual operational plan.”.

No. 26—Clause 16, page 11, subclause (1), line 4, omit “commercial”.

No. 27—Clause 16, page 11, subclause (2), lines 7 to 16, omit the subclause, substitute the following subclause:

“(2) Before determining a plan of management for a fishery, AFMA must prepare a draft of the plan and, by public notice:

- (a) state that it intends to determine a plan of management in respect of the fishery; and
- (b) invite interested persons to make representations in connection with the draft plan by a date specified in the notice, not being less than one month after the date of publication of the notice in the *Gazette*; and

- (c) specify:
- (i) an address from which copies of the draft plan may be obtained; and
 - (ii) an address to which representations may be forwarded.”
- No. 28—Clause 16, page 11, subclause (3), line 18, omit “proposed”, substitute “draft”.
- No. 29—Clause 16, page 11, subclause (5), at end of subclause, add the following word and paragraph:
- “; and
 - (c) performance criteria against which the measures taken may be assessed”.
- No. 30—Clause 16, page 12, subclause (6), at end of subclause, add the following word and paragraphs:
- “; and
 - (f) specify the circumstances in which a statutory fishing right may authorise fishing by or from a foreign boat; and
 - (g) impose obligations on the holders of fishing concessions; and
 - (h) prohibit or regulate recreational fishing in the fishery; and
 - (i) prohibit or regulate fishing for scientific research purposes in the fishery”.
- No. 31—Clause 19, page 13, subclause (3), lines 38 and 39, omit the subclause, substitute the following subclause:
- “(3) AFMA may revoke a plan of management.”.
- No. 32—Clause 19, page 14, subclause (4), lines 1 and 2, omit the subclause.
- No. 33—Clause 19, page 14, subclause (6), line 9, after “management”, insert “and the revocation of a plan of management”.
- No. 34—Clause 20, page 14, subclause (2), lines 25 and 26, omit the subclause, substitute the following subclause:
- “(2) A fishing right may authorise fishing:
- (a) by or from an Australian boat; and
 - (b) if the relevant plan of management so provides—by or from a foreign boat.”.
- No. 35—Clause 21, page 14, subclause (3), before paragraph (3)(a), insert the following paragraph:
- “(aa) the holder of the fishing right must comply with any obligations imposed on the holder by the relevant plan of management;”.
- No. 36—Clause 31, page 19, subclause (1), line 38, omit “commercial”.
- No. 37—Clause 31, page 20, subclause (4), after paragraph (a), insert the following paragraph:
- “(ab) for recreational fishing generally; or”.
- No. 38—Clause 31, page 20, subclause (5), before paragraph (5)(a), insert the following paragraph:
- “(aa) if the fishing permit authorises fishing in a specified managed fishery—the holder of the permit must comply with any obligations imposed on the holder by the relevant plan of management;”.
- No. 39—Clause 31, page 20, paragraph (5)(a), line 16, omit “commercial”.
- No. 40—Clause 33, page 22, subclause (4), before paragraph (4)(a), insert the following paragraph:
- “(aa) if the licence authorises commercial fishing in a specified managed fishery—the holder of the licence must comply with any obligations imposed on the holder by the relevant plan of management;”.
- No. 41—Clause 39, page 27, subclause (3), before paragraph (3)(a), insert the following paragraph:
- “(aa) if the licence authorises a person to be in charge of a foreign boat that is being used for commercial fishing in a specified managed fishery—the holder of the licence must comply with any obligations imposed on the holder by the relevant plan of management;”.

No. 42—After clause 41, page 28, insert the following clause:

Temporary orders

“41A.(1) The purpose of this section is to enable quick action to be taken:

- (a) to deal with emergencies; or
- (b) to correct errors or anomalies in a plan of management.

“(2) If AFMA is satisfied that:

- (a) it is necessary to take action for the purpose of this section; and
- (b) the action contemplated is consistent with AFMA’s objectives; and
- (c) no other action is appropriate;

AFMA may make an order, consistent with this Act and the regulations, with respect to:

- (d) any matter directly or indirectly connected with fishing:
 - (i) in a managed fishery; or
 - (ii) in the AFZ but not in a managed fishery; or
- (e) any other matter relating to a managed fishery, being a matter that may be provided for by a plan of management; or
- (f) any incidental matter.

“(3) AFMA may at any time make an order cancelling a previous order.

“(4) An order ceases to have effect:

- (a) on a day specified in the order; or
- (b) on being cancelled by another order; or
- (c) at the end of 3 months after the order is made;

whichever is soonest.

“(5) Subject to subsections (6) and (7), AFMA must not make an order the same in substance as a previous order within 6 months after the previous order has ceased to have effect.

“(6) While an order is in force, AFMA may make one, and only one, further order the same in substance as the first-mentioned order.

“(7) Nothing in subsections (5) and (6) prevents AFMA from making a further order the same in substance as a previous order to deal with a different emergency.

“(8) AFMA may, by writing under its common seal, delegate its powers under this section to the Managing Director of AFMA, but to no other person.

“(9) If an order is inconsistent with a provision of:

- (a) a plan of management; or
- (b) a fishing concession, scientific permit, foreign master fishing licence or fish receiver permit;

the order overrides the provision and, to that extent, the provision has no effect.

“(10) When an order ceases to have effect, any provision overridden by the order revives, subject to this Act, unless the regulations provide otherwise.

“(11) An order is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”

No. 43—Clause 44, page 29, subclause (1), line 18, omit “or assigning”, substitute “, assigning, transferring, transmitting or extinguishing”.

No. 44—Clause 48, page 30, subclause (1), line 32, after “effect”, insert “(other than because of subsection 41A(9))”.

No. 45—Clause 48, page 31, at end of clause, add the following subclauses:

“(3) Where:

- (a) AFMA does anything under subsection (1) or (2) in relation to a fishing right; and
- (b) a person other than the holder of the fishing right has an interest in the fishing right, being an interest in relation to which a dealing has been registered under section 44;

AFMA must give the person written notification of what it has done.

“(4) Where, because of subsection 41A(9), a provision of a fishing right registered under this Part has no effect, AFMA must make a notation in the Register to that effect.

“(5) Where AFMA has made a notation in the Register under subsection (4) and the relevant provision of the fishing right revives, AFMA must make a notation in the Register to that effect.”.

No. 46—Clause 63, page 34, subclause (1), line 29, omit “any other person”, substitute “an officer or employee of the Commonwealth or an authority of the Commonwealth, or of a State or authority of a State”.

No. 47—Clause 76, page 40, paragraph (3)(b), lines 32 to 34, omit the paragraph, substitute the following paragraph:

“(b) ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development, in particular the need to have regard to the impact of fishing activities on non-target species and the marine environment; and”.

No. 48—Clause 78, page 41, after paragraph (a), insert the following paragraph:

“(ab) any reference in that provision to a temporary order is a reference to a temporary order made by the Joint Authority; and”.

No. 49—Clause 82, page 44, paragraph (1)(a), line 17, omit “commercial”.

No. 50—Clause 82, page 44, paragraph (1)(b), line 29, after “concession”, insert “or a provision of a temporary order”.

No. 51—Clause 89, page 52, paragraph (4)(b), line 24, omit “fishing”.

No. 52—Clause 89, page 52, paragraph (4)(c), line 26, omit “fishing”.

No. 53—Clause 89, page 52, paragraph (4)(d), line 27, omit “fishing”.

No. 54—Clause 93, page 55, paragraph (1)(d), line 10, after “licence”, insert “or a provision of a temporary order”.

No. 55—Clause 93, page 55, paragraph (1)(e), line 14, after “permit”, insert “or a provision of a temporary order”.

No. 56—Clause 93, page 55, paragraph (1)(f), line 17, after “permit”, insert “or a provision of a temporary order”.

No. 57—Clause 97, page 56, lines 20 to 26, omit the clause, substitute the following clause:

Using foreign boat for recreational fishing

“97. A person must not, in the AFZ:

(a) use a foreign boat for recreational fishing; or

(b) use a foreign boat for processing or carrying fish that have been taken in the course of recreational fishing with the use of that boat or another boat.

Penalty: \$5,000.”.

No. 58—Clause 161, page 76, line 30, at end of clause, add “other than powers and functions under sections 17 and 19”.

No. 59—Clause 164, page 81, subclause (2), at end of subclause, add the following word and paragraph:

“; or (k) that, at a time or during a period specified in the certificate, notice of a temporary order was given in the manner specified in the certificate”.

No. 60—Clause 166, page 83, paragraph (2)(e), before subparagraph (i), insert the following subparagraph:

“(ia) draft plans of management being made available; and”.

No. 61—Clause 166, page 83, paragraph (2)(i), lines 35 to 40, omit the paragraph.

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 Scholes reported accordingly.
On the motion of Mr Crean, the House adopted the report.

- 11 **FISHERIES LEGISLATION (CONSEQUENTIAL PROVISIONS) BILL 1991—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
Clause 7, page 3, subclause (2), line 30, at end of subclause, add "or the making or determination of such an instrument under that Act in its continued operation".

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 Scholes reported accordingly.
On the motion of Mr Crean, the House adopted the report.

- 12 **POSTPONEMENT OF NOTICE:** Ordered—That notice No. 1, government business, be postponed until the next sitting.

- 13 **SPECIAL BROADCASTING SERVICE 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.
Message from the Governor-General: Message No. 188, dated 9 October 1991, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.
The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 44, by leave, taken together, and agreed to.
Clause 45—

Mr Smith moved the following amendment: Page 16, after subclause (4) insert the following subclause:

"(4A) Guidelines developed by the Board under subsection (4) are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*."

Question—That the amendment be agreed to—put.
The committee divided (the Deputy Chairman, Mr Truss, in the Chair)—

AYES, 59

Mr Aldred	Mr Connolly	Mr Hawker	Mr Reith
Mr Anderson	Mr Costello	Mr Hicks*	Mr Riggall
Mr J. N. Andrew*	Mr Cowan	Mr Howard	Mr Ronaldson
Mr K. J. Andrews	Mr Dobie	Dr Kemp	Mr Ruddock
Mr Atkinson	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr Beale	Dr H. R. Edwards	Mr McArthur	Mr Sharp
Mr Bradford	Mr Fife	Mr McGauran	Mr Sinclair
Mr Braithwaite	Mr Filing	Mr Mack	Mr Smith
Mr Burr	Mr T. A. Fischer	Mr MacKellar	Mr Taylor
Mr Cadman	Mr P. S. Fisher	Mr McLachlan	Mr Tuckey
Mr Cameron	Mr Ford	Mr Miles	Mr Webster
Mr Carlton	Mrs Gallus	Mr Moore	Mr Wilson
Mr Chaney	Mr Goodluck	Mr Nehl	Dr R. L. Woods
Mr Charles	Mr Hall	Mr Nugent	Dr Wooldridge
Mr Cobb	Mr Halverson	Mr Reid	

NOES, 65

Mr Baldwin	Mr Duncan	Mr Keating	Mr Scholes
Mr Beazley	Mr Elliott	Mrs Kelly	Mr J. L. Scott
Mr Beddall	Ms Fatin	Mr Kerr	Mr L. J. Scott
Mr Bevis	Mr Ferguson	Mr Langmore	Mr Simmons
Mr Bilney	Mr Fitzgibbon	Mr Lavarch	Mr Snow
Dr Blewett	Mr Free	Mr Lee	Mr Snowdon
Mr Brereton	Mr Gayler	Mr Lindsay	Mr Staples
Mr R. J. Brown	Mr Gibson	Ms McHugh	Dr Theophanous
Mr Campbell	Mr Grace*	Mr Martin	Mr Tickner
Dr Catley	Mr Griffiths	Mr Melham	Mr Walker
Dr Charlesworth	Mr Hand	Mr A. A. Morris	Mr West
Mr Courtice	Mr Hollis	Mr P. F. Morris	Mr Willis
Ms Crawford	Mr Hulls	Mr Newell	Mr H. F. Woods
Mr Crean	Mr Humphreys	Mr O'Neil	Mr Wright
Mr Dawkins	Mrs Jakobsen	Mr Price	
Mr Dubois	Mr Jenkins	Mr Punch	
Mr Duffy	Mr Johns	Mr Sawford*	

* Tellers

And so it was negated.

Clause agreed to.

Proposed new clause—

Mr Smith moved—That the following new clause be inserted in the Bill:

Community information

“45A. The Board must develop and publicise guidelines on the kinds of community information or community promotional material that it is prepared to broadcast.”.

Proposed new clause negated.

Clauses 46 to 48, by leave, taken together, and agreed to.

Clause 49—

Mr Smith moved the following amendment: Pages 17 and 18, omit the clause, substitute the following clause:

Minister may direct a variation of a corporate plan

“49. When the Board prepares or revises a corporate plan and gives a copy of the plan to the Minister, the Minister may, within 60 days after receiving the copy of the plan and after consultation with the Board, direct the Board to vary the plan.”.

Amendment negated.

Clause agreed to.

Clauses 50 and 51, by leave, taken together, and agreed to.

Proposed new clause—

Mr Smith moved—That the following new clause be inserted in the Bill:

Community Advisory Committee

“51A. (1) The Board must establish a committee to be known as the Community Advisory Committee.

“(2) The function of the Community Advisory Committee is to advise the Board on the community consultative measures to be included in each corporate plan of the SBS.

“(3) Each member of the Community Advisory Committee is to be appointed by the Board.

“(4) The Board may only appoint a person to the Community Advisory Committee if the Board is satisfied that the person has an understanding of Australia's multicultural society and, in particular, interests relevant to, and an understanding of, ethnic, Aboriginal or Torres Strait Islander communities.”.

Debate continued.

Question—That the proposed new clause be inserted in the Bill—put.

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

AYES, 60

Mr Aldred	Mr Cobb	Mr Halverson	Mr Reid
Mr Anderson	Mr Connolly	Mr Hawker	Mr Reith
Mr J. N. Andrew*	Mr Costello	Mr Hicks*	Mr Riggall
Mr K. J. Andrews	Mr Cowan	Mr Howard	Mr Ronaldson
Mr Atkinson	Mr Dobie	Dr Kemp	Mr Ruddock
Mr Beale	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr Bradford	Dr H. R. Edwards	Mr McArthur	Mr Sharp
Mr Braithwaite	Mr Fife	Mr McGauran	Mr Smith
Mr Broadbent	Mr Filing	Mr Mack	Mr Somlyay
Mr Burr	Mr T. A. Fischer	Mr MacKellar	Mr Taylor
Mr Cadman	Mr P. S. Fisher	Mr McLachlan	Mr Tuckey
Mr Cameron	Mr Ford	Mr Miles	Mr Webster
Mr Carlton	Mrs Gallus	Mr Moore	Mr Wilson
Mr Chaney	Mr Goodluck	Mr Nehl	Dr R. L. Woods
Mr Charles	Mr Hall	Mr Nugent	Dr Wooldridge

NOES, 66

Mr Baldwin	Mr Duncan	Mr Keating	Mr Sawford*
Mr Beazley	Mr Elliott	Mrs Kelly	Mr Scholes
Mr Beddall	Ms Fatin	Mr Kerr	Mr J. L. Scott
Mr Bevis	Mr Ferguson	Mr Langmore	Mr L. J. Scott
Mr Bilney	Mr Fitzgibbon	Mr Lavarch	Mr Simmons
Dr Blewett	Mr Free	Mr Lee	Mr Snow
Mr Brereton	Mr Gayler	Mr Lindsay	Mr Snowdon
Mr R. J. Brown	Mr Gibson	Ms McHugh	Mr Staples
Mr Campbell	Mr Grace*	Mr Martin	Dr Theophanous
Dr Catley	Mr Griffiths	Mr Melham	Mr Tickner
Dr Charlesworth	Mr Hand	Mr A. A. Morris	Mr Walker
Mr Courtice	Mr Hollis	Mr P. F. Morris	Mr West
Ms Crawford	Mr Hulls	Mr Newell	Mr Willis
Mr Crean	Mr Humphreys	Mr O'Keefe	Mr H. F. Woods
Mr Dawkins	Mrs Jakobsen	Mr O'Neil	Mr Wright
Mr Dubois	Mr Jenkins	Mr Price	
Mr Duffy	Mr Johns	Mr Punch	

* Tellers

And so it was negatived.

Clauses 52 to 66, by leave, taken together, and agreed to.

Clause 67 agreed to, after debate.

Clauses 68 to 76, by leave, taken together, and agreed to.

Clause 77 agreed to, after debate.

Remainder of Bill, by leave, taken as whole, and agreed to.

Bill to be reported without amendment.

The House resumed; Mr Truss reported accordingly.

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

14 CUSTOMS TARIFF PROPOSALS: Mr Beddall (Minister for Small Business and Customs) moved Customs Tariff Proposals Nos. 8 and 9 (1991).

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

15 EXCISE TARIFF 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.

Mr Cadman addressing the House—

16 ADJOURNMENT: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Acting Speaker adjourned the House until tomorrow at 2 p.m.

PAPERS: The following papers were deemed to have been presented on 14 October 1991:

Australian Telecommunications Corporation Act—Direction under subsection 45(1), 28 August 1991.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part 107—Amendments, 3 October 1991.

Ships (Capital Grants) Act—Return itemising grants paid to shipowners in 1990-91.

Telecommunications Act 1991—

Form of agreement pursuant to section 70.

Form of licence to operate as a general (or mobile) telecommunications carrier pursuant to section 63.

ATTENDANCE: All Members attended (at some time during the sitting) except Mrs Crosio, Mrs Darling*, Mr Gear*, Mr Hawke, Mr Holding, Mr Jones, Mr Kerin, Mr McLeay, Mr Peacock, Mr Rocher*, Mr Sciacca, Mr Shack and Mrs Sullivan.

*On leave

L. M. BARLIN
Clerk of the House of Representatives