

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

No. 101

THURSDAY, 14 NOVEMBER 1991

- 1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
- 2 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Baldwin, Mr Ferguson, Mr Kerr, Mr Langmore, Mr Melham and Mr Tickner, from 209, 320, 162, 238, 261 and 191 petitioners, respectively, praying that AIDEX 1991 be closed down and certain other action be taken to minimise the arms trade.
 - Mr Hand, Mr McGauran, Mr Melham and Mr Sinclair, from 48, 37, 126 and 136 petitioners, respectively, in similar terms.
 - Mr J. N. Andrew, Mr Duncan and Mr McLachlan, from 54, 34 and 70 petitioners, respectively, praying that the Abortion Funding Abolition Bill 1990 be passed and that pregnant women with problems be helped to continue their pregnancies.
 - Mr Webster, from 93 petitioners, in similar terms.
 - Mr Beale and Mr Hawker, from 5 and 13 petitioners, respectively, praying that legislation preventing the right to advertise electoral material on radio and television be rejected.
 - Mr Brereton and Mr Ruddock, from 89 and 19 residents of New South Wales, respectively, praying that immediate recognition be given to Croatia as a sovereign nation.
 - Mr Duffy and Mr Webster, from 68 and 392 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 Webster, from 15 petitioners, in similar terms.
 - Mr Gorman and Mr Price, from 51 and 40 residents of New South Wales and Victoria, respectively, praying that a second frequency for SBS radio be approved.
 - Mr Anderson, from 22 petitioners, praying that the UN Convention on the Rights of the Child be amended to recognise the importance of the family unit and the rights and responsibilities of parents and that certain international treaties be debated in Parliament.
 - Mr J. N. Andrew, from 192 petitioners, praying that the viability of the Blyth Post Office Agency, SA, be ensured.
 - Mr Cadman, from 227 petitioners, praying that funding of abortions through Medicare cease and that the right to life of the unborn be protected.
 - Mr Chaney, from 273 residents of Chidlow, WA, praying that the refusal to allow a retail chemist to open in Chidlow be reconsidered.

- Ms Crawford, from 22 petitioners, praying that the Republic of Croatia be recognised as an independent and sovereign state and that any action or force against the Republic and its people be condemned.
- Mr Duffy, from 464 petitioners, praying that the price of petrol be reduced to less than 60 cents per litre.
- Mr P. S. Fisher, from 81 petitioners, praying that the proposal to establish entry stations to Kakadu National Park be overturned.
- Mr Gorman, from 663 petitioners, praying that any proposal for the functions of HMAS *Nirimba* and HMAS *Cerberus* to be consolidated at HMAS *Cerberus* be rejected.
- Mr Hand, from 177 petitioners, praying that the Disadvantaged Schools Program and Country Education Project remain Commonwealth special purpose programs and that certain action be taken to fund and improve services for schools.
- Mr Hicks, from 28 residents of New South Wales, praying that certain action be taken in the 1991-92 Budget to redress falls in the real value of the pension relative to wages and alleviate poverty among low-income Australians.
- Mr Howard, from 216 petitioners, praying that certain action be taken before 1 January 2001 to reaffirm that Australia is a Christian Commonwealth according to law and its heritage, traditions and customs.
- Mr Howard, from 18 residents of the Central Coast of New South Wales, praying that destruction of Australia's connection with the British Empire by altering the flag not be allowed.
- Mr Jull, from 24 petitioners, praying that an extended cross runway be funded for the Brisbane Airport and that flight paths over certain Brisbane suburbs be changed.
- Mr Mack, from 10 petitioners, praying that immediate recognition be given to Croatia and certain other action be taken with respect to the situation in Croatia.
- Mr Nehl, from 45 petitioners, praying that adult information and entertainment not be available on Telecom's 0055 service to persons under the age of 18.
- Mr Newell, from 41 electors of the Divisions of Richmond and Page, praying that the SBS television service be extended to the Northern Rivers region of NSW in conjunction with the commercial television equalisation program.
- Mr Newell, from 33 petitioners, praying that mining negotiations or mining in Kakadu National Park cease.
- Mr B. C. Scott, from 142 petitioners, praying that sex and fantasy audio text services on Telecom's 0055 service be disbanded.
- Mr B. C. Scott, from 160 members of the congregation of East Toowoomba parish of the Uniting Church, in similar terms.
- Mr Smith, from 264 Tasrail workers, praying that certain action be taken to resolve the situation of Tasrail employees being made redundant.
- Mr Snowdon, from 697 petitioners, praying that proposed changes to the Child Care Fee Relief Scheme not proceed and that a process of consultation be instigated.
- Mrs Sullivan, from 48 petitioners, praying that certain action be taken to ban international sales of armaments and arms-related technology and that AIDEX '91 be cancelled.
- Mr Wilson, from 968 petitioners, praying that the Commonwealth Ombudsman be empowered to investigate any action that relates to programming decisions of the ABC.

Petitions received.

3 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER: Mr Scholes (Chairman) presented the following report and related papers:

Procedure—Standing Committee—Disclosure of in camera evidence—

Report, 12 November 1991.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Scholes made a statement in connection with the report.

The time allotted for making statements on the report having expired—

Mr Scholes moved—That the House take note of the report.

In accordance with sessional order 102B the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Thursday.

4 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS: Mr R. F. Edwards presented the following report:

Australian Parliamentary Delegation to Ireland and the European Institutions, September 1991—Report, November 1991.

Mr R. F. Edwards, Mr McArthur, Mr Grace, Mr J. N. Andrew and Mr Scholes made statements in connection with the report.

5 LONG TERM STRATEGIES—STANDING COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER: The order of the day having been read for the resumption of the debate on the motion of Dr Catley—That the House take note of the paper (*presented on 12 September 1991*), viz.:

Long Term Strategies—Standing Committee—Australia as an information society: The role of libraries/information networks—Report, September 1991—

Debate resumed.

Mr Jones, who had already spoken, again addressed the House, by leave.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Jones was granted leave to continue his speech when the debate is resumed.

6 TOXIC PESTICIDES: Mr J. N. Andrew, pursuant to notice, moved—That this House commends Australian agriculturalists on the voluntary reduction in toxic pesticides used in primary production over the past 20 years.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Thursday.

7 FOREIGN VESSELS VISITING AUSTRALIAN PORTS: Mr P. F. Morris, pursuant to notice, moved—That this House:

(1) notes that:

(a) 21 large bulk carriers sank between January 1990 and August 1991; and

(b) six of those vessels departed north-west Australian ports with Australian cargoes;

(2) deplores the needless loss of lives of seafarers;

(3) expresses its concern at the unseaworthiness of foreign vessels visiting Australian ports; and

(4) calls on the Minister for Shipping and Aviation Support to step up the inspection rate of foreign vessels attending Australian ports.

Debate ensued.

It being 12.30 p.m., the debate was interrupted in accordance with sessional order 104A, the resumption of the debate made an order of the day for

the next sitting Thursday, and Mr Cadman was granted leave to continue his speech when the debate is resumed.

8 GRIEVANCE DEBATE: Pursuant to the provisions of sessional order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

It being 1.45 p.m., the debate was interrupted in accordance with sessional order 106.

Question—That grievances be noted—put and passed.

9 MEMBERS' STATEMENTS: Members' statements were made.

10 QUESTIONS: Questions without notice being asked—

Paper: Mr Dawkins (Minister for Employment, Education and Training) presented the following paper:

Labour market program—Proportion of participants and Department of Social Security beneficiaries in employment, August 1989 to August 1991—Graphs.

Questions without notice continued.

11 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED: Dr Hewson (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That the Minister for Higher Education and Employment Services no longer possesses the confidence of this House.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr R. F. Edwards, in the Chair)—

AYES, 61

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

NOES, 69

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

* Tellers

And so it was negated.

12 PAPERS: The following papers were presented:

- Aboriginal Affairs—Standing Committee—Government responses to reports—
A chance for the future: training in skills for Aboriginal and Torres Strait
Island community management and development, August 1989.
- Our Future, Our Selves: Aboriginal and Torres Strait Islander community
control management and resources, August 1990.
- Review of Auditor-General's audit report No. 29, 1989-90, Aboriginal
Affairs Portfolio, December 1990.
- Review of Auditor-General's report No. 12, 1990-91, Aboriginal and Torres
Strait Islander Commission: Community Development Employment
Projects, 13 May 1991.
- Australian Agricultural Council—Resolutions—136th meeting, Sydney,
2 August 1991.
- Australian Soil Conservation Council—Resolutions—7th meeting, Sydney,
2 August 1991.
- Fishing Industry Act—Report for 1990-91.
- Industry Commission Act—Industry Commission—Report for 1990-91.
- National Library Act—National Library of Australia—31st Report, for
1990-91.
- Public Service Act—
Defence report for 1990-91.
Department of Finance—Report for 1990-91.

**13 ABORIGINAL AFFAIRS—STANDING COMMITTEE—REPORT ON ABORIGINAL
AND TORRES STRAIT ISLANDER COMMUNITY CONTROL MANAGEMENT
AND RESOURCES—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE
OF PAPER:** Mr Beazley (Leader of the House) moved—That the House
take note of the following paper:

Aboriginal Affairs—Standing Committee—Our Future, Our Selves:
Aboriginal and Torres Strait Islander community control management
and resources, August 1990—Government response.

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

**14 ABORIGINAL AFFAIRS—STANDING COMMITTEE—REPORT ON AUDITOR-
GENERAL'S AUDIT REPORT NO. 29, 1989-90—GOVERNMENT RESPONSE—
MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House)
moved—That the House take note of the following paper:

Aboriginal Affairs—Standing Committee—Report—Review of Auditor-
General's audit report No. 29, 1989-90, Aboriginal Affairs Portfolio,
December 1990—Government response.

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

**15 ABORIGINAL AFFAIRS—STANDING COMMITTEE—REPORT ON AUDITOR-
GENERAL'S AUDIT REPORT NO. 12, 1990-91—GOVERNMENT RESPONSE—
MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House)
moved—That the House take note of the following paper:

Aboriginal Affairs—Standing Committee—Report—Review of Auditor-
General's audit report No. 12, 1990-91, Aboriginal and Torres Strait
Islander Commission: Community Development Employment Projects,
13 May 1991—Government response.

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

16 ABORIGINAL AFFAIRS—STANDING COMMITTEE—REPORT ON TRAINING IN SKILLS FOR ABORIGINAL AND TORRES STRAIT ISLAND COMMUNITY MANAGEMENT AND DEVELOPMENT—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Aboriginal Affairs—Standing Committee—A chance for the future: training in skills for Aboriginal and Torres Strait Island community management and development, August 1989—Government response.

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

17 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED: Dr Hewson (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That the Prime Minister no longer possesses the confidence of this House.

Closure of Member: Mr Beazley (Leader of the House) moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 69

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

NOES, 62

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

* Tellers

And so it was resolved in the affirmative.

Mr Reith (Deputy Leader of the Opposition—seconder) addressing the House—

Closure of Member: Mr Beazley moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 69

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

NOES, 62

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

* Tellers

And so it was resolved in the affirmative.

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, 69

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

NOES, 62

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

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

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

AYES, 61

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

NOES, 70

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

* Tellers

And so it was negated.

18 THE ECONOMY AND EMPLOYMENT—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Hawke (Prime Minister), by leave, made a

ministerial statement on the economy and measures related to reducing unemployment, and presented the following paper:

The economy and employment—Ministerial statement, 14 November 1991.

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

Suspension of standing and sessional orders—Extended time for speech:

Mr Beazley, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Dr Hewson (Leader of the Opposition) speaking for a period not exceeding 32 minutes.

Question—put and passed.

Dr Hewson addressed the House.

Debate adjourned (Mr Willis—Minister for Finance), and the resumption of the debate made an order of the day for the next sitting.

19 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—JOBS STRATEGY: The House was informed that Mr Reith (Deputy 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 Labor Government to develop an effective jobs strategy in the circumstance of one million unemployed”.

The proposed discussion having received the necessary support—

Mr Reith rising to address the House—

Mr Sciacca (Parliamentary Secretary to the Minister for Social Security) moved—That the business of the day be called on.

Question—put.

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

AYES, 67

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

NOES, 60

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

* Tellers

And so it was resolved in the affirmative.

- 20 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT COMMITTEE:** The House was informed that the Acting Government Whip had nominated Mr Grace to be a member of the Joint Committee on Foreign Affairs, Defence and Trade in place of Mr Punch.
- 21 **SPECIAL ADJOURNMENT:** Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 26 November 1991, at 2 p.m., unless the Speaker fixes an alternative day or hour of meeting. Question—put and passed.
- 22 **PRIVILEGES COMMITTEE—REPORT—STATEMENTS BY MEMBERS:**
Mr Costello (Acting Chairman) presented the following report:
Committee of Privileges—Matter referred to the committee on 11 September 1991—Report on whether misleading evidence was given to the Standing Committee on Finance and Public Administration on 30 April 1991, including minutes of proceedings, 14 November 1991.
Ordered to be printed.
Mr Costello and Mr Snow, by leave, made statements in connection with the report.
- 23 **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, 28 November 1991.
- 24 **PUBLICATIONS COMMITTEE—14TH REPORT:** Mr Gorman (Chairman) presented the following report:

PUBLICATIONS COMMITTEE 14TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The committee, having considered petitions and papers presented to the Parliament since 17 October 1991, recommends that the following be printed:

- Australian Film Commission Act—Australian Film Commission—Report for 1990-91.
- Australian Horticultural Corporation Act—Australian Horticultural Corporation—Report for 1990-91.
- Australian Postal Corporation Act—Australian Postal Corporation—Report for 1990-91.
- Australian Science and Technology Council Act—Australian Science and Technology Council—Report—Research and Technology: Future directions, September 1991.
- Australian Security Intelligence Organization Act—Security Appeals Tribunal—Report for 1990-91.
- Australian Telecommunications Corporation Act—Australian Telecommunications Corporation—Report for 1990-91.
- Australian Wine and Brandy Corporation Act—Australian Wine and Brandy Corporation—Report for 1990-91.
- Bankruptcy Act—Report for 1990-91 by the Attorney-General.
- Commonwealth Electoral Act—Australian Electoral Commission—Report for 1990-91.
- Commonwealth Fire Board—Report for 1990-91.
- Customs Administration Act—Australian Customs Service—Report for 1990-91.
- Data-matching Program (Assistance and Tax) Act—Data-matching Program—Reports, October 1991—
Commissioner of Taxation.

- Department of Employment, Education and Training.
 Department of Social Security and the Data-Matching Agency.
 Department of Veterans' Affairs.
 Employment, Education and Training Act—National Board of Employment,
 Education and Training—Report for 1990-91.
 Federal Court of Australia Act—Federal Court of Australia—Report for
 1990-91.
 Industry Commission Act—Industry Commission—Reports—
 Australian Dairy Industry, 26 September 1991 (No. 14).
 Rail Transport, 21 August 1991 (No. 13)—
 Volume I—Report.
 Volume II—Appendices.
 Management and Investment Companies Act—Management and Investment
 Companies Licensing Board—Report for 1990-91.
 Nuclear Non-Proliferation (Safeguards) Act—Australian Safeguards Office—
 Report of the Director of Safeguards 1990-91.
 Pipeline Authority Act—Pipeline Authority—Report for 1990-91.
 Public Service Act—Department of Immigration, Local Government and
 Ethnic Affairs—Report for 1990-91.
 Snowy Mountains Engineering Corporation Act—Snowy Mountains
 Engineering Corporation Limited—Report for 1990-91.
 War Crimes Act—Report for 1990-91 on the operation of the Act.

RUSS GORMAN
 Chairman

14 November 1991

Mr Gorman, by leave, moved—That the report be agreed to.

Question—put and passed.

**25 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—
 REPORT—STATEMENTS BY MEMBERS:** Mr Brereton presented the following
 report:

Corporations and Securities—Parliamentary Joint Committee—Use
 immunity provisions in the corporations law and the Australian
 Securities Commission law—Report, incorporating a dissenting report,
 13 November 1991.

Mr Brereton and Mr Ford, by leave, made statements in connection with the
 report.

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

**26 THIRD RUNWAY AT SYDNEY (KINGSFORD-SMITH) AIRPORT—
 CONSTRUCTION—APPROVAL OF WORK:** Mr Beddall (Minister representing
 the Minister for Administrative Services), pursuant to notice, moved—That,
 in accordance with the provisions of the *Public Works Committee Act 1969*,
 and by reason of the urgent nature of the works, it is expedient that the
 following proposed works be carried out without having been referred to
 the Parliamentary Standing Committee on Public Works: Construction of a
 third runway at Sydney (Kingsford-Smith) Airport.

Debate ensued.

Question—put and passed.

**27 HEALTH AND COMMUNITY SERVICES LEGISLATION 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—*And
 on the amendment moved thereto by Mr Braithwaite, viz.*—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 calls on

the Government to defer the planned automatic revocation of approvals of certain hostels and nursing homes until:

- (1) appropriate legislation is in place to ensure continuity of funding to the nursing homes and hostels to be transferred;
- (2) proper guidelines are drawn up for the proposed transfer of accommodation services to the States which will ensure continuity of funding at current levels and on current terms; and
- (3) there is complete clarification of the intended relationships between State and Federal Governments as to funding of accommodation services”—

Debate resumed.

Amendment amended by Dr R. L. Woods, by leave, to read as follows: That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) calls on the Government to defer the planned automatic revocation of approvals of certain hostels and nursing homes until:
 - (a) appropriate legislation is in place to ensure continuity of funding to the nursing homes and hostels to be transferred;
 - (b) proper guidelines are drawn up for the proposed transfer of accommodation services to the States which will ensure continuity of funding at current levels and on current terms; and
 - (c) there is complete clarification of their intended relationships between State and Federal Governments as to funding of accommodation services; and
- (2) expresses its concern at the inadequacy of dementia and nursing home infrastructure funding”.

Debate continued.

Limitation of debate: At 6.30 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

Amendment negatived.

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

Message from the Governor-General: Message No. 212, dated 10 November 1991, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

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

- 28 **MIGRATION (HEALTH SERVICES) CHARGE 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Hand (Minister for Immigration, Local Government and Ethnic Affairs), the Bill was read a third time.

- 29 **MIGRATION AMENDMENT BILL (NO. 3) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Hand (Minister for Immigration, Local Government and Ethnic Affairs), the Bill was read a third time.

- 30 **FEDERAL COURT OF AUSTRALIA AMENDMENT BILL 1991:** The order of the day having been read for the second reading—
Mr Duffy (Attorney-General) moved—That the Bill be now read a second time.
Paper: Mr Duffy presented an explanatory memorandum to the Bill.
Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.

- 31 **MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 3) 1991:** The following message from the Senate was reported:

Message No. 335

Mr Speaker,
The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Social Security Act 1991', and for related 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, 14 November 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 40, page 17, subclause (2), lines 37 and 38, omit the subclause.

On the motion of Mr Baldwin (Minister for Higher Education and Employment Services), the amendment was agreed to.

Resolution to be reported.

The House resumed; Mr Dobie reported accordingly.
On the motion of Mr Baldwin, the House adopted the report.

- 32 **BROADCASTING AMENDMENT BILL (NO. 2) 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.
Paper: Mr Smith, by leave, presented the following paper:
Radio revenue—Percentages (adjusted for CPI) based on 1986-87—Graph.
Debate continued.
Paper: Mr B. C. Scott, by leave, presented the following paper:
Cost of providing television by local councils in the Electorate of Maranoa—Table.
Debate continued.
Question—put and passed—Bill read a second time.
Leave granted for third reading to be moved forthwith.
On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications), the Bill was read a third time.

- 33 **RADIO LICENCE FEES 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—
Question—put and passed—Bill read a second time.
Leave granted for third reading to be moved forthwith.

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

- 34 **TELEVISION LICENCE FEES 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—

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

Leave granted for third reading to be moved forthwith.

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

- 35 **MESSAGE FROM THE SENATE—TRANSPORT AND COMMUNICATIONS LEGISLATION AMENDMENT BILL 1991:** The following message from the Senate was reported:

Message No. 336

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the law relating to transport and communications, 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 November 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—After clause 2, page 2, insert the following Part:

"PART 1A—AMENDMENTS OF THE AUSTRALIAN AND OVERSEAS TELECOMMUNICATIONS CORPORATION ACT 1991

Principal Act

"2A. In this Part, '**Principal Act**' means the *Australian and Overseas Telecommunications Corporation Act 1991*^{1A}.

Interpretation

"2B. Section 3 of the Principal Act is amended:

- (a) by omitting the definition of 'exempt matter' and substituting the following definition:

'**exempt matter**' means:

- (a) the operation of Part 4; or
- (b) giving effect to Part 4; or
- (c) making arrangements to achieve, in relation to a set of merging entities (other than Telecom and OTC) and the merged entity in relation to that set, a result that, for commercial purposes, is to a substantial degree similar or analogous to a result achieved, in relation to Telecom, OTC and AOTC, by:

- (i) the operation of Part 4; or

- (ii) giving effect to Part 4;

for example (but without limitation), arrangements for:

- (iii) some or all property or rights of the merging entities to become property or rights of the merged entity; or

- (iv) the merged entity to otherwise get the benefit of some or all property or rights of the merging entities; or
 - (v) some or all liabilities of the merging entities to become liabilities of the merged entity; or
 - (vi) the merged entity to otherwise become responsible for some or all liabilities of the merging entities; or
 - (vii) the merged entity to become the successor in law, or the commercial successor, of the merging entities;';
- (b) by inserting the following definitions:

“entity” means:

- (a) Telecom; or
- (b) OTC; or
- (c) a group company;

“merged entity”, in relation to a set of merging entities, has the meaning given by section 3A;

“merger day”, in relation to a set of merging entities and the merged entity in relation to that set, has the meaning given by section 3A;

“merging entities” has the meaning given by section 3A;’.

“2C. After section 3 of the Principal Act the following section is inserted:
Merging entities; merged entity; merger day

‘3A. (1) For the purposes of this Act:

- (a) Telecom and OTC are a set of merging entities; and
- (b) AOTC is the merged entity in relation to that set; and
- (c) the succession day is the merger day in relation to that set and that merged entity.

‘(2) Subject to subsection (3), the regulations may declare that, for the purposes of this Act:

- (a) 2 or more specified entities are a set of merging entities; and
- (b) a specified entity (being one of those entities or a different entity) is the merged entity in relation to that set; and
- (c) a specified day that is:
 - (i) on or after the day on which the regulation making the declaration takes effect; and
 - (ii) after the succession day, but not more than 12 months after that day;

is the merger day in relation to that set and that merged entity.

‘(3) A set of merging entities that is specified in a declaration under subsection (2) must:

- (a) consist of:
 - (i) at least one entity that, immediately before the succession day, was a wholly-owned subsidiary of Telecom; and
 - (ii) at least one entity that, immediately before that day, was a wholly-owned subsidiary of OTC; or
- (b) consist of AOTC and at least one entity that, immediately before the succession day, was a wholly-owned subsidiary of Telecom or of OTC.

‘(4) The regulations may make 2 or more different declarations under subsection (2).

‘(5) Subject to subsection (3), but without limiting the generality of subsection (2), a set of merging entities may include the merged entity in relation to another set of merging entities.

‘(6) Regulations may be made for the purposes of subsection (2) at any time before the end of the 12 months beginning on the succession day, but not later.’

“2D. Section 28 of the Principal Act is repealed and the following section is substituted:

Merged entity taken to be the same body, for tax purposes, as merging entities

‘28. (1) Where:

(a) 2 or more entities are a set of merging entities; and

(b) an entity is the merged entity in relation to that set;

subsection (2) has effect, on and after the merger day in relation to that set and that merged entity, even if any of the entities concerned later ceases to be a group company.

‘(2) For the purposes only of the application of the laws of the Commonwealth, of the States and of the Territories relating to taxation:

(a) the merging entities are taken to be the same body as the merged entity and to continue in existence under the merged entity’s name; and

(b) any provisions of this Act that are inconsistent with paragraph (a) are to be disregarded; and

(c) any act or transaction inconsistent with paragraph (a) is taken not to have been done or not to have occurred, as the case may be; and

(d) Telecom as it existed at any time before the succession day is taken to have had at that time a share capital all the issued shares in which were beneficially owned by the Commonwealth; and

(e) OTC as it existed at any time before the succession day is taken to have had at that time a share capital all the issued shares in which were beneficially owned by the Commonwealth.

‘(3) The effect that this section has in relation to a set of merging entities and the merged entity in relation to that set is in addition to, and does not prejudice, the effect that this section has in relation to another set of merging entities and the merged entity in relation to that other set.’”.

Before Note 1 at the end of the Bill, insert the following Note:

“1A. No. 79, 1991, as amended. For previous amendments, see No. 145, 1991.”.

No. 2—After clause 7, page 4, insert the following clauses:

General functions of Authority

“7A. Section 9 of the Principal Act is amended:

(a) by omitting subsection (1A);

(b) by omitting from subsection (4) “, and the function referred to in subsection (1A),”.

“7B. After section 9 of the Principal Act the following section is inserted:

Environmental functions of Authority

‘9AA. (1) For the purposes of this section, an aircraft is a **Commonwealth jurisdiction aircraft** if it is not a state aircraft and it is an aircraft:

(a) that is being operated:

(i) in the course of trade and commerce with other countries or among the States; or

(ii) in the course of, or for the purposes of, the provision of services by a trading corporation (within the meaning of paragraph 51(xx) of the Constitution); or

(iii) by a foreign corporation (within the meaning of that paragraph of the Constitution); or

(iv) in a Territory, between Territories or between a Territory and a State; or

(v) in a journey to or from a place that has been acquired by the Commonwealth for public purposes; or

- (b) that is:
 - (i) in the possession or under the control of the Commonwealth or an authority of the Commonwealth; or
 - (ii) being used wholly or principally for a purpose of the Commonwealth.

'(2) The functions of the Authority include:

- (a) carrying out activities to protect the environment from the effects of, and the effects associated with, the operation of Commonwealth jurisdiction aircraft; and
- (b) investigating damage to property caused by wake vortices produced by the operation of Commonwealth jurisdiction aircraft; and
- (c) arranging for the provision of compensation to people whose property has been damaged by wake vortices produced by the operation of Commonwealth jurisdiction aircraft.

'(3) In paragraphs (2)(b) and (2)(c), a reference to damage to property does not include damage to aircraft in flight.

'(4) Under paragraph (2)(c), the Authority may itself pay compensation if it considers it appropriate.

'(5) Nothing in this section is to be taken to confer a right on any person to compensation for damage to property caused by wake vortices produced by the operation of Commonwealth jurisdiction aircraft.

'(6) Subject to section 12, the function referred to in paragraph (2)(a) may be performed at the discretion of the Authority.'

No. 3—Clause 8, page 5, proposed subsection 20AA (5), line 19, after “must not”, insert “knowingly or recklessly”.

No. 4—Part 6, page 17, lines 1 to 37, omit the Part.

No. 5—After clause 35, page 17, insert the following Part:

**“PART 6A—AMENDMENTS OF THE
TELECOMMUNICATIONS ACT 1991**

Principal Act

“35A. In this Part, ‘Principal Act’ means the *Telecommunications Act 1991*”.

Objects

“35B. Section 136 of the Principal Act is amended by omitting subparagraphs (2) (b) (i) and (ii) and substituting the following subparagraphs:

- ‘(i) to interconnect its facilities to telecommunications networks of other carriers; and
- (ia) to have other carriers supply telecommunications services to it for the purposes of its supply of telecommunications services; and
- (ii) to obtain access to other services supplied by other carriers;’.

“35C. Section 137 of the Principal Act is repealed and the following section is substituted:

Carrier’s rights to interconnection to networks of, and supply of telecommunications services by, other carriers

‘137. (1) In this section:

“domestic or international service” means a telecommunications service:

- (a) between distinct places within Australia; or
- (b) between a place within Australia and a place outside Australia;

“network” means a telecommunications network within Australia to supply domestic or international services and, in relation to a carrier, means so much of such a network as is:

- (a) operated by the carrier (even if owned or maintained by another person); or
- (b) owned and maintained by the carrier (even if operated by another person); or
- (c) the subject of rights of use that the carrier has under an agreement or arrangement (even if, because of an agreement or arrangement

with another person, the carrier does not in fact exercise those rights itself);

“network facilities”, in relation to a carrier, means facilities that the carrier operates or uses, or intends to operate or use, as part of, in, or in connection with, a network of the carrier, even if another person also operates or uses, or intends to operate or use, some or all of the facilities;

“reasonable” means reasonable having regard to section 136 and to any other relevant matter.

(2) A carrier has the right to interconnect its network facilities to a network of any other carrier:

- (a) for the purpose of the other carrier supplying telecommunications services to the first-mentioned carrier under subsection (3); and
- (b) on such reasonable terms and conditions as the carriers agree on or, failing agreement, as AUSTEL determines under section 154.

(3) Where a carrier reasonably requests another carrier to supply telecommunications services to the requesting carrier, the other carrier must supply those telecommunications services to the requesting carrier:

- (a) so far as is necessary or desirable for the purposes of the requesting carrier supplying:
 - (i) if the requesting carrier is both a general carrier and a mobile carrier—domestic or international services; or
 - (ii) if the requesting carrier is a general carrier but not a mobile carrier—domestic or international services other than public mobile telecommunications services; or
 - (iii) if the requesting carrier is a mobile carrier but not a general carrier—domestic or international services that are public mobile telecommunications services; and
- (b) on such reasonable terms and conditions as the carriers agree on or, failing agreement, as AUSTEL determines under section 154.

(4) Subsection (3) has effect whether or not network facilities of the requesting carrier are, or are to be, interconnected because of subsection (2) to a network of the other carrier.’

Supplementary access conditions of licences

“35D. Section 138 of the Principal Act is amended:

- (a) by inserting in paragraph (1)(a) ‘in any case—’ before ‘the grant’;
- (b) by omitting paragraph (1)(b) and substituting the following paragraph:

‘(b) if:

- (i) other carriers supply telecommunications services by means of facilities interconnected to telecommunications networks of the holder; or
- (ii) the holder supplies telecommunications services to other carriers for the purposes of the other carriers supplying telecommunications services;

the supply by the holder, to the other carriers, of specified goods or services in connection with matters associated with, or incidental to, the supply by the other carriers of:

- (iii) the services referred to in subparagraph (i); or
 - (iv) the services last referred to in subparagraph (ii);
- as the case may be.’;

- (c) by inserting after subsection (1) the following subsection:

‘(1A) Examples of matters of a kind referred to in paragraph (1)(b) are:

- (a) customer billing and operator assistance (including directory assistance); and
- (b) published directories of telecommunications services.’;

- (d) by inserting in subsection (2) 'reasonable' before 'terms and conditions'.

Minister may determine principles to govern charging for access

"35E. Section 140 of the Principal Act is amended by omitting paragraphs (1)(b) and (c) and substituting the following paragraphs:

- '(b) the supply of telecommunications services to the first-mentioned carrier by the other carrier under subsection 137(3); or
(c) the supply of facilities for the purposes of such interconnection, or in connection with the supply of services as mentioned in paragraph (b) of this subsection; or'.

Arbitration by AUSTEL of terms of access

"35F. Section 154 of the Principal Act is amended:

- (a) by omitting subsection (4) and substituting the following subsection:
'(4) A determination made for the purposes of subsection 137(3) must:
(a) specify the telecommunications services concerned; and
(b) state how far it is necessary or desirable for the one carrier to supply those telecommunications services to the other carrier for the purposes of the other carrier supplying telecommunications services; and
(c) set out the terms and conditions on which the one carrier is so to supply those telecommunications services.';
(b) by omitting paragraph (5)(c) and substituting the following paragraph:
'(c) supply of facilities for the purposes of the interconnection, or in connection with the supply of the telecommunications services;';
(c) by omitting from paragraph (5)(e) 'carriage,' and substituting 'the supply of the telecommunications services;';
(d) by inserting after paragraph (5)(e) the following paragraph:
'(ea) any other matters that it is reasonably necessary to deal with for the purposes of the interconnection, or in connection with the supply of the telecommunications services;'.

AUSTEL's way of operating

"35G. Section 159 of the Principal Act is amended by inserting before subparagraph (2)(c)(i) the following subparagraph:

- '(ia) section 136; and'.

Basic carriage service must be tarified if supplied to a person other than a carrier

"35H. Section 194 of the Principal Act is amended by omitting from subsection (1) 'the public generally' and substituting 'a person other than a carrier'.

"35J. At the end of the Principal Act the following sections are added:

Disallowance of regulations tabled after 14 November 1991 and before 31 December 1991

'408.(1) This section applies to regulations:

- (a) made under this Act, whether before, at or after the commencement of this section; and
(b) laid before either House, or each House, of the Parliament after 14 November 1991 and before 31 December 1991.

'(2) Subject to subsection (3) of this section, the provisions of subsections 48(4), (5) and (5A) and 48B(1) and (2) of the *Acts Interpretation Act 1901* apply in relation to those regulations as if each reference in those provisions to 15 sitting days were a reference to 5 sitting days.

'(3) If, after those regulations were or are laid before a House of the Parliament, that House passes a resolution approving those regulations, the provisions of subsections 48(4), (5) and (5A) and 48B(1)

and (2) of the *Acts Interpretation Act 1901* cease to apply in relation to those regulations in relation to that House.

'(4) Except as provided in subsections (2) and (3) of this section, the application of sections 48, 48A, 48B and 49 of the *Acts Interpretation Act 1901* in relation to those regulations is not affected.

Disallowance of instruments tabled after 14 November 1991 and before 31 December 1991

'409.(1) This section applies to an instrument that:

- (a) was or is made under this Act, whether before, at or after the commencement of this section; and
- (b) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*; and
- (c) was or is laid before either House, or each House, of the Parliament after 14 November 1991 and before 31 December 1991.

'(2) Subject to subsection (3) of this section, the provisions of subsections 48(4), (5) and (5A) and 48B(1) and (2) of the *Acts Interpretation Act 1901*, as applying in relation to the instrument because of section 46A of that Act, so apply as if each reference in those provisions to 15 sitting days were a reference to 5 sitting days.

'(3) If, after the instrument was or is laid before a House of the Parliament, that House passes a resolution approving the instrument, the provisions of subsections 48(4), (5) and (5A) and 48B(1) and (2) of the *Acts Interpretation Act 1901*, as applying in relation to the instrument because of section 46A of that Act, cease to apply in relation to the instrument in relation to that House.

'(4) Except as provided in subsections (2) and (3) of this section, the application of sections 48, 48A, 48B and 49 of the *Acts Interpretation Act 1901* in relation to the instrument because of section 46A of that Act is not affected.'"

After Note 5 at the end of the Bill, insert the following Note:

"5A. No. 98, 1991, as amended. For previous amendments, see No. 145, 1991."

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications), 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 Snowdon, the House adopted the report.

36 **ADJOURNMENT:** Mr Snowdon (Parliamentary Secretary to the Minister for Transport and Communications) moved—That the House do now adjourn. Question—put and passed.

And then the House, at 11.35 p.m., adjourned until Tuesday, 26 November 1991 at 2 p.m., in accordance with the resolution agreed to this day.

ATTENDANCE: All Members attended (at some time during the sitting) except Dr Blewett, Mr Cameron, Dr Catley, Mr Crean, Mrs Darling*, Mr Gear*, Mr Newell, Mr Rocher* and Mr Taylor.

*On leave

L. M. BARLIN

Clerk of the House of Representatives