

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 104

THURSDAY, 28 NOVEMBER 1991

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- 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 Brereton, Mr Duncan, Ms Fatin, Mr Jenkins, Mr Langmore, Mr Lindsay, Ms McHugh, Mr Mack, Mr Newell and Mr West, from 839, 165, 225, 94, 2, 22, 254, 1127, 313 and 200 petitioners, respectively, praying that AIDEX 1991 be closed down and certain other action be taken to minimise the arms trade.
- Mr R. J. Brown and Mrs Kelly, from 21 and 20 petitioners, respectively, in similar terms.
- Mr O'Neil, Mr J. L. Scott and Mr Webster, from 20, 67 and 15 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 Cadman and Mr Ferguson, from 445 and 34 petitioners, respectively, 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 Dubois and Mr Mack, from 97 and 50 residents of New South Wales and Victoria, respectively, praying that a second frequency for SBS radio be approved.
- Mr Ford and Mr Hawker, from 46 and 17 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 12 petitioners, in similar terms.
- Mr Kerin and Dr R. L. Woods, from 167 and 152 residents of New South Wales, respectively, praying that immediate recognition be given to Croatia as a sovereign nation.
- Mr J. N. Andrew, from 311 petitioners, praying for adequate funding to enable the ABC's radio program "The Country Hour" to continue.
- Mr Baldwin, from 1380 residents of New South Wales, praying that the decision to decrease the Medicare rebate and introduce patient co-payment be reversed.
- Mr Beale, from 3 petitioners, praying that legislation preventing the right to advertise electoral material on radio and television be rejected.
- Mr Broadbent, from 10 petitioners, praying that the AIDEX exhibition be replaced with an exhibition which highlights hazards to the environment.

Mr Cadman, from 325 petitioners, praying that legislation be enacted to establish a savings fund to encourage saving by young people and to provide low interest housing loans to its contributors.

Mr Courtice, from 360 petitioners, praying that comfrey not be listed as an Appendix C substance.

Mr Hawke, from 229 residents of Brunswick, Coburg and the north western suburbs area of Melbourne, praying that ongoing federal funding for the NOW Centre be assured.

Mr Lindsay, from 506 petitioners, praying that certain action be taken to ban international sales of armaments and arms-related technology and that AIDEX '91 be cancelled.

Mr Newell, from 57 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 O'Neil, from 1792 residents of and visitors to Lower Eyre Peninsula, SA, praying that the extension of television services to enable all metropolitan based television stations to be transmitted to the Eyre Peninsula be supported.

Mr Ronaldson, from 22 electors of the Division of Ballarat, praying that child care be made equitable, affordable and available to all Australian families without unnecessary distinction between work related and non-work related child care.

Mr Ruddock, from 32 electors of the Division of Indi, praying that rejection of Mr Aka Vana's application for citizenship be reviewed.

Mr J. L. Scott, from 158 residents of South Australia, praying that an inquiry be conducted into injustices towards non-custodial parents.

Mr J. L. Scott, from 128 petitioners, praying that the 1991 Budget decision to impose a \$3.50 Medicare co-payment be reversed.

Mr Webster, from 9 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.

Dr R. L. Woods, from 174 petitioners, praying that certain action be taken to end the increasing violence in Sri Lanka's Tamil homelands.

Petitions received.

3 NATIONAL CRIME AUTHORITY—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER: Mr Lindsay (Chairman) presented the following report and related papers:

National Crime Authority—Parliamentary Joint Committee—Who is to guard the guards?: An evaluation of the National Crime Authority—
Report, incorporating 2 dissenting reports, November 1991.

Evidence received by the committee.

Ordered—That the report be printed.

Mr Lindsay, Mr Filing and Mr Sinclair made statements in connection with the report.

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

Mr Lindsay 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 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER:

Mr Lindsay presented the following report:

Foreign Affairs, Defence and Trade—Joint Committee—The Australian Defence Force Reserves—Report, November 1991.

Ordered to be printed.

Mr Lindsay, Mr MacKellar and Mr Sinclair made statements in connection with the report.

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

Mr Lindsay moved—That the House take note of the paper.

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.

5 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER:

Mr Lavarch (Chairman) presented the following report and related papers:

Legal and Constitutional Affairs—Standing Committee—Corporate practices and the rights of shareholders—

Report, incorporating a dissenting report, November 1991.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Lavarch, Mr Smith, Mr Costello and Mr Sinclair made statements in connection with the report.

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

Mr Lavarch 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.

6 COMMONWEALTH PARLIAMENTARY ASSOCIATION—37TH COMMONWEALTH PARLIAMENTARY CONFERENCE—REPORT OF DELEGATION FROM COMMONWEALTH OF AUSTRALIA BRANCH—STATEMENT BY MEMBER:

Mr Reid presented the following paper:

Commonwealth Parliamentary Association—37th Commonwealth Parliamentary Conference, New Delhi, India, 23-28 September 1991—

Report of Delegation from Commonwealth of Australia Branch—

and made a statement in connection with the report.

7 UN CONFERENCE ON ENVIRONMENT AND DEVELOPMENT: Ms McHugh, pursuant to notice, moved—That this House:

(1) take an active interest in, and where possible contribute to, Australia's preparation for and participation in the UN Conference on Environment and Development which is to take place in Brazil in June 1992; and

(2) urges all Members to support Australia's role in the development of an Earth Charter document of principles, an Agenda 21 action document and International Conventions on Climate Change and Biodiversity.

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.

8 PRIMARY INDUSTRY: Mr Hicks, pursuant to notice, moved—That this House acknowledges the importance of our primary industry sector to Australia's national economy.

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.

- 9 **ABORTION FUNDING ABOLITION 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.
 Mr Johns, who had already spoken, again addressed the House, by leave.
 Debate continued.
 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 Campbell was granted leave to continue his speech when the debate is resumed.
- 10 **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.
- 11 **MEMBERS' STATEMENTS:** Members' statements were made.
- 12 **QUESTIONS:** Questions without notice were asked.
- 13 **PRIME MINISTER—MOTION OF CENSURE:** Dr Hewson (Leader of the Opposition), by leave, moved—That this House censures the Prime Minister for his failure to formally respond to the Coalition's "Fightback" program notwithstanding that the Government has received from its advisers a detailed report that comments favourably on essential elements of the "Fightback" program.
 Mr Hawke (Prime Minister) moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "this House censures the Leader of the Opposition for perpetrating a massive fraud on the people of Australia with the launch of his 'Fightback' document which will increase unemployment, increase inflation, wreck economic recovery and shift the burden of taxation from the very rich to middle and low income Australians".
Member named: The Deputy Speaker named the Right Honourable Member for New England (Mr Sinclair) for having disobeyed the Chair.
 Mr Beazley (Leader of the House) moved—That the Right Honourable Member for New England be suspended from the service of the House.
 Mr Sinclair having apologised to, and the apology having been accepted by, the Chair, the matter was not further proceeded with.
 Ordered—That Mr Hawke be granted an extension of time.
 Debate continued.
Paper: Mr Connolly, by leave, presented the following paper:
 Australia 2000—Australians speak: A report on the concerns, hopes and aspirations of the Australian people, September 1991.
 Debate continued.
Closure: Mr Simmons (Minister for the Arts, Tourism and Territories) moved—That the question be now put.
 Question—That the question be now put—put and passed.
 And the 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, 61

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

NOES, 66

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

* Tellers

And so it was negatived.

Question—That the words proposed to be inserted be so inserted—put.
The House divided (the Speaker, Mr McLeay, in the Chair)—

AYES, 65

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

NOES, 62

Mr Aldred	Mr Dobie	Dr Kemp	Mr Ruddock
Mr Anderson	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr J. N. Andrew*	Dr H. R. Edwards	Mr McArthur	Mr Sharp
Mr K. J. Andrews	Mr Fife	Mr McGauran	Mr Sinclair
Mr Atkinson	Mr Filing	Mr Mack	Mr Smith
Mr Beale	Mr T. A. Fischer	Mr MacKellar	Mr Somlyay
Mr Bradford	Mr P. S. Fisher	Mr McLachlan	Mrs Sullivan
Mr Broadbent	Mr Ford	Mr Miles	Mr Taylor
Mr Cadman	Mrs Gallus	Mr Moore	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	Dr Hewson	Mr Reid	Dr R. L. Woods
Mr Connolly	Mr Hicks*	Mr Reith	Dr Wooldridge
Mr Costello	Mr Howard	Mr Riggall	
Mr Cowan	Mr Jull	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

Question—That the motion, as amended, be agreed to—put.

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

AYES, 65

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

NOES, 62

Mr Aldred	Mr Dobie	Dr Kemp	Mr Ruddock
Mr Anderson	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr J. N. Andrew*	Dr H. R. Edwards	Mr McArthur	Mr Sharp
Mr K. J. Andrews	Mr Fife	Mr McGauran	Mr Sinclair
Mr Atkinson	Mr Filing	Mr Mack	Mr Smith
Mr Beale	Mr T. A. Fischer	Mr MacKellar	Mr Somlyay
Mr Bradford	Mr P. S. Fisher	Mr McLachlan	Mrs Sullivan
Mr Broadbent	Mr Ford	Mr Miles	Mr Taylor
Mr Cadman	Mrs Gallus	Mr Moore	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	Dr Hewson	Mr Reid	Dr R. L. Woods
Mr Connolly	Mr Hicks*	Mr Reith	Dr Wooldridge
Mr Costello	Mr Howard	Mr Riggall	
Mr Cowan	Mr Jull	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

14 PAPERS: The following papers were presented:

Aboriginal Hostels Limited—Report for 1990-91.

Australia-Japan Foundation Act—Australia-Japan Foundation—Report for 1990-91.

- Australian Institute of Aboriginal and Torres Strait Islander Studies Act—
Australian Institute of Aboriginal and Torres Strait Islander Studies—
Report for 1990-91.
- Australian National Railways Commission Act—Australian National Railways
Commission (Australian National)—Report for 1990-91.
- Bureau of Meteorology—Report for 1990-91.
- Employment, Education and Training Act—National Board of Employment,
Education and Training—Report by the Employment and Skills Formation
Council, including the Board's comments—TAFE resource agreements for
1990 and their role in supporting Commonwealth priorities, November
1991.
- Finance and Public Administration—Standing Committee—Government
response to reports—
Going for Gold: Inquiry into sports funding and administration—First
report, March 1989.
Can sport be bought?—2nd report on an inquiry into sports funding
and administration, December 1989.
- Ozone Protection Act—Report on the operation of the Act, for 1990-91.
- Public Service Act—
Department of the Arts, Sport, the Environment, Tourism and
Territories—Report for 1990-91.
Department of Transport and Communications—Report for 1990-91.
- Snowy Mountains Hydro-electric Power Act—Snowy Mountains Hydro-
electric Authority—Report for 1990-91.

**15 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORTS
INTO SPORTS FUNDING AND ADMINISTRATION—GOVERNMENT
RESPONSE—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of
the House) moved—That the House take note of the following paper:**

Finance and Public Administration—Standing Committee—Government
response to reports—

Going for Gold: Inquiry into sports funding and administration—
First report, March 1989.

Can sport be bought?—2nd report on an inquiry into sports funding
and administration, December 1989.

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

**16 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—
UNEMPLOYMENT: The House was informed that Mr Howard had proposed
that a definite matter of public importance be submitted to the House for
discussion, namely, "The failure of the Hawke Government to produce an
effective strategy to deal with Australia's chronic unemployment problem".**

The proposed discussion having received the necessary support—

Mr Howard rising to address the House—

Mr Beazley (Leader of the House) moved—That the business of the day be
called on.

Question—put and passed.

**17 SPECIAL ADJOURNMENT: Mr Beazley (Leader of the House) moved—That
the House:**

- (1) at its rising, adjourn until 2 January 1992 at a time to be notified by
the Speaker, unless otherwise called together by the Speaker or, in the
event of the Speaker being unavailable, by the Chairman of Committees;
and
- (2) at its rising on 2 January 1992, adjourn until Tuesday, 25 February
1992, 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.

Debate ensued.

Question—put and passed.

- 18 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:

- (1) from the determination of this sitting of the House to the date of its next sitting; and
- (2) from the determination of any sitting of the House on 2 January 1992, to the date of its next sitting.

Question—put and passed.

- 19 DISCHARGE OF ORDERS OF THE DAY:** Mr Beazley (Leader of the House), by leave, moved—That the following orders of the day, government business, be discharged:

National Health and Medical Research Council—Report—Motion to take note of paper: Resumption of debate.

National Debt Commission—Report—Motion to take note of paper: Resumption of debate.

Nursing home and hostel standards, May-July 1991—Paper—Motion to take note of paper: Resumption of debate.

Government House, Canberra—Strategic plan—Motion to take note of paper: Resumption of debate.

TAFE in the 1990s: Developing Australia's skills—Paper—Motion to take note of paper: Resumption of debate.

Australia's language—Papers—Motion to take note of papers: Resumption of debate.

Australian Securities Commission—Report—Motion to take note of paper: Resumption of debate.

Industry Commission—Report—Motion to take note of paper: Resumption of debate.

Electoral Matters—Joint Standing Committee—Report—Government response—Motion to take note of paper: Resumption of debate.

Building a competitive Australia—Paper—Motion to take note of paper: Resumption of debate.

Building a competitive Australia—Paper—Errata—Motion to take note of paper: Resumption of debate.

National Board of Employment, Education and Training—Guidelines in relation to performance of functions—Motion to take note of paper: Resumption of debate.

Australian Electoral Commission—Report—Motion to take note of paper: Resumption of debate.

Question—put and passed.

- 20 DISCHARGE OF TARIFF PROPOSALS:** Mr Beazley (Leader of the House), by leave, moved—That Customs Tariff Proposals Nos. 1 to 8 (1990), Customs Tariff Proposals Nos. 1 and 2 (1991), Customs Tariff (Uranium Concentrate Export Duty) Proposals No. 1 (1990) and Excise Tariff Proposals No. 1 (1990), constituting part of order of the day No. 36, government business, be discharged.

Question—put and passed.

- 21 MEMBERS' INTERESTS COMMITTEE—PAPER:** Mr Dubois (Chairman) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 36th Parliament—Notifications of alterations of interests and a statement

of registrable interests received during the period 6 June to 27 November 1991.

22 SELECTION COMMITTEE—REPORT: Mr Halverson (Deputy Chairman) presented the following report:

Selection Committee—Report relating to the program of business prior to 12.30 p.m. on the next sitting Thursday.

23 NATIONAL GAS STRATEGY—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Griffiths (Minister for Resources), by leave, made a ministerial statement relating to key elements of a new strategy for the development of the Australian natural gas industry, and presented the following paper:

National gas strategy—Ministerial statement.

Mr Griffiths moved—That the House take note of the paper.

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

Mr Griffiths, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr T. A. Fischer (Leader of the National Party of Australia) speaking for a period not exceeding 16 minutes.

Question—put and passed.

Mr T. A. Fischer addressed the House.

Debate adjourned (Ms Fatin—Minister for Local Government), and the resumption of the debate made an order of the day for the next sitting.

24 PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT—FINANCE MINUTE:

Mr Punch (Chairman), by leave, presented the following paper:

Public Accounts—Joint Committee—Finance minute on Report 309—Annual reporting guidelines for statutory authorities.

The House continuing to sit until after midnight—

FRIDAY, 29 NOVEMBER 1991

25 MESSAGES FROM THE SENATE: Messages from the Senate, dated 28 November 1991, were reported:

(1) acquainting the House of the following resolution agreed to by the Senate:

That the Senate:

(a) invites the President of the United States of America to address the Senate, on 2 January 1992 at a time to be fixed by the President and notified to all Senators;

(b) accepts the invitation of the House of Representatives to meet with that House for that purpose; and

(c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting—Message No. 347.

(2) returning the following Bills without amendment—Message—

No. 348—Excise Tariff Amendment 1991 (*without requests*).

No. 349—Customs Tariff Amendment (No. 2) 1991 (*without requests*).

No. 350—Cash Transaction Reports Amendment 1991.

26 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—AMENDMENT OF TITLE: Ms Fatin (Minister for Local Government), for Mr Beazley (Leader of the House), pursuant to notice, moved—That:

(1) sessional order 28B be amended by omitting from paragraph (a) (viii) “Finance and Public Administration” and substituting “Banking, Finance and Public Administration”;

(2) references to the Standing Committee on Finance and Public Administration in resolutions of the House of this session be read as references to the Standing Committee on Banking, Finance and Public Administration; and

- (3) nominations notified to the Speaker of Members to be members of the Standing Committee on Finance and Public Administration be nominations of Members to be members of the Standing Committee on Banking, Finance and Public Administration.

Question—put and passed.

27 PRINT MEDIA—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT AND PUBLICATION, PRINTING AND CIRCULATION OF PROPOSED REPORT: Ms Fatin (Minister for Local Government), for Mr Beazley (Leader of the House), pursuant to notice, moved—That:

- (1) the time for bringing up the report of the Select Committee on the Print Media be extended to 27 February 1992;
- (2) if the House is not sitting when the Committee has completed its report, the Committee may send the report to the Speaker, or, in the absence of the Speaker, to the Chairman of Committees, and, in that event:
 - (a) the publication of the report is authorised by this resolution; and
 - (b) the Speaker, or the Chairman of Committees, as the case may be, is authorised to give directions for the printing and circulation of the report; and
- (3) the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

Question—put and passed.

28 ARTS, SPORT, ENVIRONMENT AND TERRITORIES LEGISLATION AMENDMENT BILL 1991: Mrs Kelly (Minister for the Arts, Sport, the Environment, Tourism and Territories), pursuant to notice, presented a Bill for an Act to amend legislation relating to the arts, sport, the environment and Territories.

Bill read a first time.

Mrs Kelly moved—That the Bill be now read a second time.

Paper: Mrs Kelly presented an explanatory memorandum to the Bill.

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

29 PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1991: Mr Crean (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend various Acts relating to matters dealt with by the Department of Primary Industries and Energy, and for related purposes.

Bill read a first time.

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

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

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

30 POULTRY INDUSTRY ASSISTANCE AMENDMENT BILL 1991: Mr Crean (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend the *Poultry Industry Assistance Act 1965*.

Bill read a first time.

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

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

31 MESSAGE FROM THE SENATE—PRIMARY INDUSTRY COUNCILS BILL 1991: Message No. 351, dated 28 November 1991, from the Senate was reported

transmitting for the concurrence of the House a Bill for "*An Act to provide for the establishment of industry councils for primary industries, 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.

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

- 32 **FOREST CONSERVATION AND DEVELOPMENT BILL 1991:** Mr Griffiths (Minister for Resources), pursuant to notice, presented a Bill for an Act providing for resource security for certain wood processing projects.

Bill read a first time.

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

Paper: Mr Griffiths 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.

- 33 **POSTPONEMENT OF ORDER OF THE DAY:** Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

- 34 **LAW AND JUSTICE LEGISLATION AMENDMENT BILL (NO. 2) 1991:** The order of the day having been read for the second reading—

Mr Griffiths (Minister for Resources) moved—That the Bill be now read a second time.

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 35 **MESSAGE FROM THE SENATE—CIVIL AVIATION (CARRIERS' LIABILITY) AMENDMENT BILL 1991:** The following message from the Senate was reported:

Message No. 346

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Civil Aviation (Carriers' Liability) Act 1959'*", 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, 27 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—Clause 3, page 2, proposed definition of "**Australian corporation**", lines 7 and 8, omit the definition.

No. 2—Clause 6, pages 3 and 4, line 33 (page 3) to line 4 (page 4), omit the clause.

No. 3—Clause 7, page 4, lines 5 to 17, omit the clause.

No. 4—Clause 12, page 7, proposed sections 25L and 25M, lines 1 to 11, omit the sections.

On the motion of Mr Price (Parliamentary Secretary to the Prime Minister), the amendments were agreed to, after debate.
Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly.
On the motion of Mr Price, the House adopted the report.

36 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 4) 1991: The following message from the Senate was reported:

Message No. 352

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 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, 28 November 1991

Statement by Deputy Speaker—Means by which Senate seeks amendment to bill: The Deputy Speaker made a statement concerning the nature of the Senate amendments and querying whether they should have been pursued as requests for amendments.

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 (1)(h), line 6, omit the paragraph, substitute the following paragraph:

"(h) Part 1 of Schedule 5;"

No. 2—Clause 2, page 2, after subclause (6), insert the following subclause:

"(6A) Division 7 of Part 2 is taken to have commenced on 1 December 1991."

No. 3—Clause 2, page 2, after subclause (8), insert the following subclause:

"(8A) Part 4 of Schedule 1 commences, or is taken to have commenced, immediately after the commencement of section 57 of the *Social Security Legislation Amendment Act (No. 3) 1991*."

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

"(11) Part 2 of Schedule 5 is taken to have commenced immediately after the commencement of the *Data-matching Program (Assistance and Tax) Act 1990*."

No. 5—Clause 48, page 27, proposed paragraph 1061F(1)(b), lines 30 to 34, omit all words from "not more than", substitute "not more than \$20.00 per fortnight."

No. 6—Clause 48, page 27, proposed subsection 1061F(2), line 35, omit "the person's", substitute "a person's".

No. 7—Clause 48, page 28, at end of proposed section 1061F, add the following subsection:

"(3) For the purposes of this section, if a person is a member of a couple the amount of the person's **ordinary income** is worked out by adding the couple's ordinary incomes (on a fortnightly basis) and dividing by 2."

No. 8—Part 2, page 32, at end of Part, add the following Division:

“Division 7—Financial hardship farmers

Index of definitions

“56A. Section 3 of the Principal Act is amended:

(a) by inserting in the Index the following entries:

‘financial hardship farmer	23(1)
life insurance policy	23(1)
RAS authority	23(1)
Rural Adjustment Scheme	23(1)
section 26 certificate date	23(1)
subsection 11(14) asset	23(1);

(b) by omitting from the Index the following entry:

‘unrealisable asset 11(12), (13)’

and substituting the following entry:

‘unrealisable asset 11(12), (13), (14)’.

Assets test definitions

“56B. Section 11 of the Principal Act is amended:

(a) by omitting ‘and (13)’ from the definition of ‘unrealisable asset’ in subsection (1) and substituting ‘, (13) and (14)’;

(b) by adding at the end the following subsection:

‘(14) Without limiting the generality of subsection (12), an asset is an unrealisable asset of a financial hardship farmer if:

(a) the asset is a life insurance policy on the life of the farmer;
or

(b) a certificate under subsection 27(1) is in force in respect of the asset.’.

General definitions

“56C. Section 23 of the Principal Act is amended by inserting in subsection (1) the following definitions:

“**financial hardship farmer**” means a person in respect of whom a certificate under subsection 26(1) is in force;

“**life insurance policy**”, in relation to a financial hardship farmer, includes a life policy within the meaning of the *Life Insurance Act 1945*;

Note: under the *Life Insurance Act 1945*, a life policy includes an instrument evidencing a contract which is subject to payment of premiums for a term dependent on the termination or continuance of human life and an instrument securing the grant of an annuity for a term dependent upon human life.

“**RAS authority**” means an authority of a State or Territory that is responsible for the administration of the Rural Adjustment Scheme on behalf of the State or Territory;

“**Rural Adjustment Scheme**” means the scheme of assistance established and operated by a State or Territory in accordance with clause 9 of the agreement set out in the Schedule to the *States and Northern Territory Grants (Rural Adjustment) Act 1988*;

“**section 26 certificate date**” means the day specified in a certificate issued under subsection 26(1);

“**subsection 11(14) asset**” means an asset that is unrealisable because of subsection 11(14);’.

“56D. Before section 28 of the Principal Act the following sections are inserted:

Financial hardship farmer—certificate

‘26.(1) An RAS authority may certify, in writing, that a person is a financial hardship farmer for the period specified in the certificate.

‘(2) The period specified in the certificate:

(a) commences on the day specified in the certificate; and

(b) must be a period of 12 weeks or less.

‘(3) The day specified in the certificate:

(a) may be earlier than the day on which the certificate is granted; and

(b) must not be earlier than the day on which the person made the application referred to in subsection (4).

'(4) An RAS authority is not to certify that a person is a financial hardship farmer unless the authority is satisfied that:

- (a) under normal circumstances the person or the person's partner contributes a significant part of his or her labour and capital to a farm; and
- (b) under normal circumstances the farm provides the person's principal source of income; and
- (c) Part C assistance under the Rural Adjustment Scheme has been applied for:
 - (i) on or after 1 December 1991; and
 - (ii) before 30 November 1993;
 in respect of the farm.

'(5) An RAS authority is not to certify that a person is a financial hardship farmer unless the authority is satisfied that:

- (a) under normal circumstances the person or the person's partner contributes a significant part of his or her labour and capital to a farm; and
- (b) under normal circumstances the farm provides the person's principal source of income; and
- (c) the person is in severe financial hardship; and
- (d) commercial credit cannot be obtained to finance continued farm operations on the farm; and
- (e) Part C assistance under the Rural Adjustment Scheme is not available in respect of the farm; and
- (f) the farm is likely to be profitable in the long-term.

'(6) A financial hardship farmer certificate that is in force immediately before 1 December 1993 lapses on that day.

'(7) If:

- (a) a person applies for a certificate under subsection (1); and
- (b) an RAS authority decides not to issue the certificate;

the authority is to certify, in writing, that the person is not a financial hardship farmer for the purposes of this Act.

'(8) In this section:

"farm" means a farm enterprise.

Note 1: for "RAS authority" see subsection 23(1).

Note 2: Part C assistance under the Rural Adjustment Scheme is a grant or a loan by a State or Territory to enable a farmer to make an orderly exit from rural industry.

Note 3: for "Rural Adjustment Scheme" see subsection 23(1).

Unrealisable assets of financial hardship farmer—certificate

'27.(1) An RAS authority may certify, in writing, that for the period specified in the certificate, an asset of a financial hardship farmer is an unrealisable asset if the authority is satisfied that the asset is essential to the long-term profitability of the financial hardship farm.

'(2) The assets that an RAS authority may certify under subsection (1) include the following:

- (a) the farm;
- (b) farm livestock;
- (c) farm machinery.

'(3) The period specified in the certificate commences on the day specified in the certificate.

'(4) The day specified in the certificate may be a day earlier than the day on which the certificate is issued.

'(5) If:

- (a) a person applies for a certificate under subsection (1) in respect of an asset; and

(b) an RAS authority decides not to issue the certificate in respect of that asset;
the authority is to certify, in writing, that the asset is not an unrealisable asset under this section for the purposes of this Act.

'(6) In this section:
"financial hardship farm", in relation to a financial hardship farmer, means the farm referred to in subsection 26(4).'

Qualification for job search allowance

"56E. Section 513 of the Principal Act is amended by adding at the end the following subsection:

'(2) Subject to sections 514 and 515, a person is qualified for a job search allowance in respect of a period if:

- (a) the person is a financial hardship farmer throughout the period; and
- (b) the Secretary is satisfied that this subsection should apply to the person; and
- (c) throughout the period, the person:
 - (i) is at least 18 and has not reached the pension age; and
 - (ii) is an Australian resident; and
 - (iii) is in Australia; and
 - (iv) is registered by the CES in an allowance category as being unemployed; and
- (d) throughout the period, or throughout each period within the period, the person has not been registered as required by subparagraph (c)(iv) for longer than 12 months.

Note 1: for "financial hardship farmer" see subsection 23(1).

Note 2: "CES" means Commonwealth Employment Service (see section 23).

Note 3: for "pension age" see section 23.

Note 4: for "Australian resident" see section 7.

Note 5: for "allowance category" see subsection 23(4A).

Note 6: where circumstances beyond a person's control prevent the person from being registered by the CES, this requirement may be waived (see section 520).

Note 7: a person unregistered by the CES for up to 6 weeks may be taken to be registered (see section 520).

Note 8: a job search allowance is not payable in certain situations even if the person is qualified (see Subdivisions C, D or E).

Note 9: a job search allowance may continue to be paid during incapacity (see section 514).

Note 10: qualification for a job search allowance may continue to end of last pay period (see section 515).'

Effect of incapacity on qualification

"56F. Section 514 of the Principal Act is amended by omitting all words after 'allowance' from the definition of 'change day' in subsection (1) and substituting:

'because of:

- (a) paragraph 513(1)(d) (turning 18 and being registered for more than 12 months); or
- (b) paragraph 513(2)(d) (being registered for more than 12 months)';

Job search allowance may continue to end of payment period

"56G. Section 515 of the Principal Act is amended by omitting from paragraph (b) '513(d)' and substituting '513(1)(d) or 513(2)(d)'.
Registration by CES

Registration by CES

"56H. Section 520 of the Principal Act is amended:

- (a) by omitting from subsection (1) '513(c)(iv)' and substituting '513(1)(c)(iv) or 513(2)(c)(iv)';

- (b) by inserting after subsection (1) the following subsection:
 '(1A) The Secretary may decide that a person does not have to satisfy subparagraph 513(2)(c)(iv) (CES registration) for the period between:
 (a) the person's section 26 certificate date; and
 (b) the day on which the person makes a claim for a job search allowance.

Note: for "section 26 certificate date" see subsection 23(1).;

- (c) by inserting in subsection (2) 'or (1A)' after '(1)';
 (d) by omitting from subsection (2) '513(c)(iv)' (twice occurring) and substituting '513(1)(c)(iv) or 513(2)(c)(iv)';
 (e) by omitting from subsection (2) '513(d)(ii)' and substituting '513(1)(d)(ii) or paragraph 513(2)(d)';
 (f) by omitting from subsection (3) '513(d)(ii)' and substituting '513(1)(d)(ii) and paragraph 513(2)(d)'.

Provisional commencement day

"56J. Section 533 of the Principal Act is amended:

- (a) by inserting in subsection (1) '(2A),' after '(2)';
 (b) by inserting after subsection (2) the following subsection:
 '(2A) If:
 (a) a person is a financial hardship farmer; and
 (b) the person makes a claim for a job search allowance;
 the person's provisional commencement day is the section 26 certificate date.

Note 1: for "financial hardship farmer" see subsection 23(1).

Note 2: for "section 26 certificate date" see subsection 23(1).'

Qualification for newstart allowance

"56K. Section 593 of the Principal Act is amended by adding at the end the following subsection:

- '(2) Subject to section 594, a person is qualified for a newstart allowance in respect of a period if:
 (a) the person is a financial hardship farmer throughout the period; and
 (b) the Secretary is satisfied that this subsection should apply to the person; and
 (c) at all times (if any) during the period when the person is not a party to a Newstart Activity Agreement, the person is prepared to enter into such an agreement; and
 (d) at all times during the period when the person is a party to a Newstart Activity Agreement, the person is prepared to enter into another such agreement instead of the existing agreement; and
 (e) when the person is required by the Secretary to enter into a Newstart Activity Agreement in relation to the period, the person enters into that agreement; and
 (f) while the agreement is in force, the person satisfies the Secretary that the person is taking reasonable steps to comply with the terms of the agreement; and
 (g) throughout the period, the person:
 (i) is at least 18 and has not reached the pension age; and
 (ii) is an Australian resident; and
 (iii) is in Australia; and
 (iv) is registered by the CES in an allowance category as being unemployed; and
 (h) throughout the period the person has been registered as required by subparagraph (g)(iv) for longer than 12 months; and
 (i) the person was not in receipt of a job search allowance during the period.

- Note 1: for "financial hardship farmer" see subsection 23(1).
 Note 2: for Newstart Activity Agreement see sections 604 to 607.
 Note 3: "CES" means Commonwealth Employment Service (see section 23).
 Note 4: for "pension age" see section 23.
 Note 5: for "Australian resident" see section 7.
 Note 6: for "allowance category" see subsection 23(4A).
 Note 7: where circumstances beyond a person's control prevent the person from being registered at the CES, this requirement may be waived (see section 599).
 Note 8: a person unregistered for up to 13 weeks may be taken to be registered (see section 599).
 Note 9: a person could be in receipt of a job search allowance during a period for which the person would qualify for a newstart allowance, if paragraph (i) were disregarded, because of section 515 (extension of job search allowance to end of pay period) or because of differences in calculating 12 months registration under subsections 520(3) and 599(3).
 Note 10: a newstart allowance is not payable in certain situations even if the person is qualified (see Subdivisions C, D, E and F).
 Note 11: a newstart allowance may continue to be paid during incapacity (see section 594).

Effect of incapacity on qualification

"56L. Section 594 of the Principal Act is amended by omitting all words after 'allowance' from the definition of 'change day' in subsection (1) and substituting:

'because of:

- (a) paragraph 513(1)(d) (turning 18 and being registered for more than 12 months); or
- (b) paragraph 513(2)(d) (being registered for more than 12 months);'.

Registration by CES

"56M. Section 599 of the Principal Act is amended:

- (a) by omitting from subsection (1) '593(g)(iv)' and substituting '593(1)(g)(iv) or 593(2)(g)(iv)';
- (b) by inserting after subsection (1) the following subsection:
 '(1A) The Secretary may decide that a person does not have to satisfy subparagraph 593(2)(g)(iv) (CES registration) for the period between:
 (a) the person's section 26 certificate date; and
 (b) the day on which the person makes a claim for a newstart allowance.

Note: for "section 26 certificate date" see subsection 23(1).;

- (c) by inserting in subsection (2) 'or (1A)' after '(1)';
- (d) by omitting from subsection (2) '593(g)(iv)' (twice occurring) and substituting '593(1)(g)(iv) or 593(2)(g)(iv)';
- (e) by omitting from subsection (2) '593(h)' and substituting '593(1)(h) or 593(2)(h)';
- (f) by omitting from subsection (3) 'paragraph 593(h)' and substituting 'paragraphs 593(1)(h) and 593(2)(h)'.

Provisional commencement day

"56N. Section 615 of the Principal Act is amended:

- (a) by inserting in subsection (1) '(2A),' after '(2),';
- (b) by inserting after subsection (2) the following subsection:
 '(2A) If:
 (a) a person is a financial hardship farmer; and
 (b) the person is not a transferee to a newstart allowance; and
 (c) the person makes a claim for a newstart allowance;
 the person's provisional commencement day is the section 26 certificate date.

Note 1: for "financial hardship farmer" see subsection 23(1).

Note 2: for "section 26 certificate date" see subsection 23(1).'

Application of financial hardship rules—benefits

“56P. Section 1132 of the Principal Act is amended:

- (a) by omitting from subsection (3) ‘A person’s **adjusted fortnightly rate of ordinary income**’ and substituting ‘The **adjusted fortnightly rate of ordinary income** of a person who is not a financial hardship farmer’;
- (b) by inserting after subsection (3) the following subsection:
 - ‘(3A) The **adjusted fortnightly rate of ordinary income** of a person who is a financial hardship farmer is an amount per fortnight equal to the sum of:
 - (a) the person’s fortnightly rate of ordinary income (other than income from assets); and
 - (b) the person’s fortnightly rate of ordinary income from assets that are not assets tested; and
 - (c) either:
 - (i) the person’s fortnightly rate of ordinary income from unrealisable assets that are not subsection 11(14) assets; or
 - (ii) the person’s notional fortnightly rate of ordinary income from those assets;
 whichever is the greater; and
 - (d) either:
 - (i) the person’s fortnightly rate of ordinary income from subsection 11(14) assets; or
 - (ii) the amount per fortnight that the person could reasonably be expected to obtain from a commercial lease or hiring of those assets;
 whichever is the lesser; and
 - (e) an amount per fortnight equal to \$1 for each \$250 of the value of the person’s assets (other than disregarded assets).

Note: for “financial hardship farmer” see subsection 23(1).’;

- (c) by omitting from subsection (4) ‘subsection (3)’ and substituting ‘subsections (3) and (3A)’.

Non-reviewable decisions

“56Q. Section 1250 of the Principal Act is amended:

- (a) by inserting after paragraph (1)(aa) the following paragraphs:
 - ‘(ab) of an RAS authority to refuse to certify a person as a financial hardship farmer under section 26; or
 - ‘(ac) of an RAS authority to refuse to certify an asset as an unrealisable asset of a financial hardship farmer under section 27; or’;
- (b) by adding at the end of subsection (1) the following Notes:

‘Note 1: for “RAS authority” see subsection 23(1).

Note 2: for “financial hardship farmer” see subsection 23(1).’.

“56R. After section 1298A of the Principal Act the following section is inserted:

The Secretary and the Secretary to the Department of Primary Industries and Energy may agree on administrative arrangements

‘1298B. The Secretary and the Secretary to the Department of Primary Industries and Energy may agree on administrative arrangements to further the objectives of sections 26 and 27.’.”.

No. 9—Clause 58, page 32, lines 8 to 10, omit the clause, substitute the following clause:

Amendments of other Acts

“58. The Acts specified in Schedule 5 are amended as set out in that Schedule.”.

No. 10—Schedule 1, page 40, at end of Schedule, add the following Part:

**“PART 4—AMENDMENT COMMENCING IMMEDIATELY AFTER
THE COMMENCEMENT OF SECTION 57 OF THE SOCIAL
SECURITY LEGISLATION AMENDMENT ACT (No. 3) 1991**

Subsection 1223(1):

Omit ‘If’, substitute ‘Subject to subsections (2) and (2A), if:’.

Subsection 1223(2A):

Omit the subsection, substitute:

‘(2A) If:

- (a) family allowance supplement is paid to a person in a tax year; and
- (b) but for this subsection an amount of family allowance supplement would become recoverable under subsection (1) before the end of the tax year; and
- (c) the amount would be recoverable because of an increase in the person’s taxable income;

the amount is recoverable only after the end of the tax year.

Note: a person’s taxable income is defined in point 1070-D11. A person’s taxable income may increase, amongst other reasons, because the person underestimated their taxable income and the Commissioner of Taxation has made a subsequent assessment of the person’s taxable income.”.

No. 11—Schedule 2, page 112, Part 3, proposed amendment to subsection 1250(1) of the *Social Security Act 1991*, omit the amendment, substitute the following amendment:

“Subsection 1250(1):

Add at the end:

‘Note 3: for “recipient notification notice” and “recipient statement notice” see subsection 23(1).’.

No. 12—Schedule 5, page 124, omit the Schedule, substitute the following Schedule:

“SCHEDULE 5

Section 58

AMENDMENTS OF OTHER ACTS

**“PART 1—AMENDMENT OF THE DATA-MATCHING PROGRAM
(ASSISTANCE AND TAX) ACT 1990**

Section 3 (paragraph (p) of the definition of ‘family identity data’):

Omit ‘and address or addresses’, substitute ‘, address or addresses and date of birth’.

“PART 2—AMENDMENT OF THE PRIVACY ACT 1988

Paragraph 13(ba):

Omit ‘under this Act’, substitute ‘under that Act’.”.

Mr Crean (Minister for Primary Industries and Energy) moved—That the amendments be agreed to.

Mr Lloyd (Deputy Leader of the National Party of Australia) moved the following amendment: Senate amendment No. 8 be amended by inserting in proposed paragraph 56P(b) after “assets” (last occurring) “and for the purposes of this section such other essential and usual expenditure incurred in the operation of the farm”.

Deputy Chairman’s ruling: The Deputy Chairman (Mrs Sullivan) ruled that the proposed amendment was out of order as its effect would be to increase the size of benefits payable under the legislation.

Debate continued.

Mr Lloyd, who had already spoken twice, again addressed the committee, by leave.

Amendments agreed to.

Resolution to be reported.

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

- 37 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRIVATE MEMBERS' BUSINESS:** Mr Price (Parliamentary Secretary to the Prime Minister), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent order of the day No. 31, private Members' business, being called on forthwith.
Question—put and passed.
- 38 EAST TIMOR:** The order of the day having been read for the resumption of debate on the motion of Mr Gibson—That this House:
- (1) expresses its deepest sympathy to the people of East Timor for the appalling tragedy they experienced with the Dili massacre of 12 November 1991;
 - (2) condemns in the strongest terms the resort by the Indonesian military to force which on every account was wholly excessive;
 - (3) regards as deeply repugnant the reported comments of the Indonesian Commander-in-Chief on the day following the massacre that the "disruptors ... had to be shot";
 - (4) notes the Indonesian Government's decision to establish a National Commission of Investigation to investigate all aspects of the massacre, and calls upon it to take every necessary step to ensure to the satisfaction of both the East Timorese and international communities:
 - (a) that the inquiry is "free, accurate, just and thorough", as promised;
 - (b) that it is conducted fairly and impartially, with all witnesses guaranteed protection against intimidation or retaliation; and
 - (c) that appropriate action is taken against those found to be responsible for unlawful or excessive acts;
 - (5) further calls upon the Indonesian Government:
 - (a) to provide immediate access by humanitarian and aid groups, especially the International Committee of the Red Cross, to those wounded or detained as a result of the events of 12 November and other recent incidents in East Timor, without any prejudice to those so visited;
 - (b) to respond promptly to requests for information in relation to detained or missing persons about whom concern has been expressed following the events of 12 November and other recent incidents;
 - (c) to release all political prisoners detained because of their opposition to the integration of East Timor with Indonesia; and
 - (d) to guarantee that individuals who express peaceful opposition to the integration of East Timor with Indonesia are free from intimidation, harassment or detention;
 - (6) requests the Government to instruct the Australian Ambassador to Indonesia to make an early visit, and subsequently regular visits, to East Timor to report fully on all aspects of the present situation and the progress of the National Commission of Investigation;
 - (7) requests the Australian Government, having regard to the full range of its policies toward and bilateral contacts with Indonesia, to give consideration to the steps which it might take to review these policies and contacts in the event that the Indonesian investigation and follow-up action is unsatisfactory, for example the suspension of military training programs;
 - (8) notes the importance of any Australian Government response to the 12 November massacre not only reflecting the deep concern of the

- wider Australian community but also being consistent with Australia's own national interests and above all with the interests and welfare of the East Timorese people;
- (9) calls, accordingly, upon the Government to explore all possible constructive avenues for:
 - (a) guaranteeing the effectiveness of the investigation process and its follow-up;
 - (b) achieving a peaceful resolution of the on-going conflict, including by requesting the Indonesian Government, in the Prime Minister's words, to "sit down with the people of East Timor including the resistance forces and try and work out a program of achieving peaceable relations"; and
 - (c) meeting the longer-term needs and aspirations of the East Timorese people; and
 - (10) in particular in these respects, requests that:
 - (a) the Minister for Foreign Affairs and Trade make an early visit to Indonesia to discuss all aspects of the East Timor situation, including the events of 12 November and options for effective longer-term reconciliation;
 - (b) active steps be taken to explore the role which might now be played, with wide international support, by the United Nations and its Secretary-General;
 - (c) strong support be given to the role of the International Commission of the Red Cross in protecting and promoting human rights in East Timor, through continued representations to the Indonesian authorities and if possible targeted financial assistance; and
 - (d) approval be sought for the establishment of a resident Australian Consulate in Dili.

And on the amendment moved thereto by Mr Ruddock, viz.—That all words after "That" be omitted with a view to substituting the following words: "the House:

- (1) expresses its deep sympathy to the people of East Timor for the appalling tragedy they experienced with the Dili massacre of 12 November 1991;
- (2) condemns in the strongest terms the resort by the Indonesian military to excessive force;
- (3) notes the Indonesian Government's decision to establish a National Commission of Investigation to investigate all aspects of the massacre, and calls upon it to take every necessary step to ensure to the satisfaction of both the East Timorese and the international communities:
 - (a) that the inquiry is 'free, accurate, just and thorough', as promised;
 - (b) that it is conducted fairly and impartially, with witnesses guaranteed protection against intimidation or retaliation; and
 - (c) that appropriate action is taken against those found to be responsible for unlawful or excessive acts;
- (4) further calls upon the Indonesian Government:
 - (a) to provide immediate access by humanitarian and aid groups, especially the International Committee of the Red Cross, to those wounded or detained as a result of the events of 12 November and other recent incidents in East Timor, without any prejudice to those so visited;
 - (b) to respond promptly to requests for information in relation to detained or missing persons about whom concern has been expressed following the events of 12 November and other recent incidents;
 - (c) to release all prisoners detained without trial;

- (d) to guarantee that individuals who express peaceful opposition to the integration of East Timor with Indonesia are free from intimidation, harassment or detention; and
- (5) requests the Government to instruct the Australian Ambassador to Indonesia to make an early visit and subsequently regular visits to East Timor to report fully to Parliament on all aspects of the present situation and the progress of the National Commission of Investigation”—

Debate resumed.

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

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

29 November 1991 a.m.—Message—

No. 354—Health Insurance (Pathology) (Fees) 1991.

No. 355—Health Insurance (Pathology) (Licence Fee) 1991.

40 MESSAGE FROM THE SENATE—HEALTH INSURANCE (PATHOLOGY) AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 353

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend certain provisions of the ‘Health Insurance Act 1973’ relating to pathology services, 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, 29 November 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 4, page 2, paragraph (1)(b), proposed subsection 23DC(10A), lines 37 to 39, omit the subsection, substitute the following subsections:

“(10A) The notice under subsection (10):

- (a) may not specify, as the day on which the undertaking comes into force, a day earlier than the day on which the undertaking was accepted; and
- (b) if, when the undertaking was accepted by the Minister, an undertaking (in this subsection called the “**previous undertaking**”) previously given by the person under subsection (1) was in force—must specify, as the day on which the undertaking comes into force, the day immediately after the day on which the previous undertaking ceases, or ceased, to be in force.

“(10B) If, within 14 days after the Minister has given notice to a person under subsection (9) that the Minister has accepted the undertaking given by the person under subsection (1), the person has not paid the acceptance fee in respect of the undertaking:

- (a) the acceptance of the undertaking by the Minister is, by force of this subsection, revoked; and

(b) the revocation is taken to have had effect from the time when the undertaking was accepted.’”.

No. 2—After clause 4, page 3, insert the following clause:

Period of effect of approved pathology practitioner undertaking

“4A.(1) Section 23DD of the Principal Act is amended:

(a) by omitting paragraph (1)(a) and substituting the following paragraph:
‘(a) comes into force on the day specified in the notice given under subsection 23DC(10) in respect of the undertaking; and’;

(b) by omitting subsection (2);

(c) by omitting from subsection (3) ‘ending on’ and substituting ‘ending 14 days after’.

“(2) The amendments of the Principal Act made by subsection (1) do not apply in relation to an undertaking:

(a) given to the Minister under subsection 23DC(1) of the Principal Act; and

(b) in respect of which a fee has been paid under that subsection; before this Act commenced.”.

No. 3—Clause 5, page 3, paragraph (1)(b), proposed subsection 23DF(11A), lines 29 to 31, omit the subsection, substitute the following subsections:

“(11A) The notice under subsection (11):

(a) may not specify, as the day on which the undertaking comes into force, a day earlier than the day on which the undertaking was accepted; and

(b) if, when the undertaking was accepted by the Minister, an undertaking (in this subsection called the “previous undertaking”) previously given by the person under subsection (1) was in force—must specify, as the day on which the undertaking comes into force, the day immediately after the day on which the previous undertaking ceases, or ceased, to be in force.

“(11B) If, within 14 days after the Minister has given notice to a person under subsection (10) that the Minister has accepted the undertaking given by the person under subsection (1), the person has not paid the acceptance fee in respect of the undertaking:

(a) the acceptance of the undertaking by the Minister is, by force of this subsection, revoked; and

(b) the revocation is taken to have had effect from the time when the undertaking was accepted.’”.

No. 4—After clause 5, page 3, insert the following clause:

Period of effect of approved pathology authority undertaking

“5A.(1) Section 23DG of the Principal Act is amended:

(a) by omitting paragraph (1)(a) and substituting the following paragraph:
‘(a) comes into force on the day specified in the notice given under subsection 23DF(11) in respect of the undertaking; and’;

(b) by omitting subsection (2);

(c) by omitting from subsection (3) ‘ending on’ and substituting ‘ending 14 days after’.

“(2) The amendments of the Principal Act made by subsection (1) do not apply in relation to an undertaking:

(a) given to the Minister under subsection 23DF(1) of the Principal Act; and

(b) in respect of which a fee has been paid under that subsection; before this Act commenced.”.

No. 5—Clause 7, page 4, paragraph (1)(a), proposed paragraph 23DN(1)(b), line 15, omit “approved”, substitute “accredited”.

No. 6—Clause 7, page 4, after paragraph (1)(b), insert the following paragraph:
“(ba) by omitting from subsection (4) ‘subsection (1)’ and substituting ‘subsection (2)’;”.

On the motion of Mr Beazley (Minister for Transport and Communications), the amendments were agreed to, after debate.
Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly.
On the motion of Mr Beazley, the House adopted the report.

41 MESSAGE FROM THE SENATE—HEALTH INSURANCE (PATHOLOGY) AMENDMENT (NO. 2) BILL 1991: The following message from the Senate was reported:

Message No. 356

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend certain provisions of the 'Health Insurance Act 1973' relating to pathology services*", 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, 29 November 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 4, pages 2 and 3, subclause (2), line 40 (page 2) to line 19 (page 3), omit the subclause, substitute the following subclause:

"(2) Section 16A of the Principal Act is amended:

(a) by inserting after subsection (5) the following subsection:

'(5AA) A medicare benefit is not payable in respect of a pathology service that has been rendered in relation to a person by or on behalf of an approved pathology practitioner (in this subsection called the "**rendering pathologist**") pursuant to a request made to the rendering pathologist by:

- (a) the treating practitioner; or
- (b) another approved pathology practitioner (in this subsection called the "**referring pathologist**") to whom the treating practitioner has made a request for that service;

unless the pathology specimen required for the rendering of the service:

- (c) was collected from the person by:
 - (i) the person himself or herself; or
 - (ii) the treating practitioner; or
 - (iii) an employee of the treating practitioner on behalf of the treating practitioner; or
- (d) was collected from the person by the rendering pathologist, the referring pathologist, or an employee of an approved pathology authority that is the proprietor (or a proprietor) of the laboratory in which the service is to be rendered, at:
 - (i) the place where the person was residing; or
 - (ii) a licensed collection centre (within the meaning of Part IIA); or
 - (iii) a recognised hospital; or

- (iv) a private hospital, or a day hospital facility, in which the person is an in-patient; or
- (v) a nursing home, or other institution, in which the person is a patient; or
- (e) was collected from the person by:
 - (i) a member of the staff of a hospital, or a day hospital facility, in which the person is an in-patient; or
 - (ii) a member of the staff of a nursing home, or other institution, in which the person is a patient.’;
- (b) by omitting from subsection (8) ‘subsection (3)’ and substituting ‘subsections (3) and (5AA)’.”

No. 2—Clause 6, page 3, proposed Division 4A, before section 23DNB, insert the following section:

Interpretation

“23DNAA. In this Division, unless the contrary intention appears:

“**approved pathology authority**” does not include an approved pathology authority that is:

- (a) a State or Territory; or
- (b) a public authority within the meaning of section 23DF.’.”

No. 3—Clause 6, page 9, at end of proposed section 23DNL, add the following subsection:

“(2) Subsection (1) does not apply to an approved pathology authority that is:

- (a) a State or Territory; or
- (b) a public authority within the meaning of section 23DF.’.”

On the motion of Mr Beazley (Minister for Transport and Communications), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mrs Sullivan reported accordingly.

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

42 **ADJOURNMENT:** Mr Price (Parliamentary Secretary to the Prime Minister) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 2.14 a.m., adjourned until 2 January 1992, in accordance with the resolution agreed to at this sitting.

PAPERS: The following papers were deemed to have been presented on 28 November 1991:

Lands Acquisition Act—Statement of lands acquired by agreement authorised under subsection 40(1).

National Health Act—Pharmaceutical Benefits—1991—

Declarations—Nos. PB11, PB12.

Determination—No. PB13.

Proclamation by His Excellency the Governor-General fixing 19 November 1991 as the date on which section 18 of the *Albury-Wodonga Development Amendment Act 1991* commences.

ATTENDANCE: All Members attended (at some time during the sitting) except Dr Catley, Mrs Darling*, Mr Duffy, Mr R. F. Edwards, Mr Gear*, Mr Hollis, Mr Langmore, Mr Rocher* and Dr Theophanous.

*On leave

L. M. BARLIN
Clerk of the House of Representatives