

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 161

TUESDAY, 24 NOVEMBER 1992

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- 1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
 - 2 **MINISTERIAL ARRANGEMENTS:** Mr Keating (Prime Minister) informed the House that, during the respective absences of Mr Howe (Minister for Health, Housing and Community Services), Mr Kerin (Minister for Trade and Overseas Development) and Ms Fatin (Minister for the Arts and Territories and Minister Assisting the Prime Minister for the Status of Women), Mr Staples (Minister for Aged, Family and Health Services) would answer questions on behalf of Mr Howe, Dr Blewett (Minister for Social Security) would answer questions on behalf of Mr Kerin and Mrs Kelly (Minister for the Arts, Sport, the Environment and Territories) would answer questions relating to arts and territories and Ms McHugh (Minister for Consumer Affairs) would answer questions relating to the status of women on behalf of Ms Fatin.
 - 3 **DEATH OF FORMER MEMBER (MR A. W. JARMAN):** Mr Keating (Prime Minister) referred to the death of Mr A. W. Jarman, and moved—That the House expresses its deep regret at the death on Saturday, 14 November 1992, of Alan William Jarman, a Member of this House for the Division of Deakin from 1966 to 1983, places on record its appreciation of his long and meritorious public service, and tenders its profound sympathy to his family in their bereavement.
And Dr Hewson (Leader of the Opposition) having seconded the motion, and Mr T. A. Fischer (Leader of the National Party of Australia) and other Members having addressed the House in support thereof, and all Members present having risen, in silence—
Question—passed.
 - 4 **QUESTIONS:** Questions without notice were asked.
 - 5 **PAPERS:** The following papers were presented:
Administrative Appeals Tribunal Act—Administrative Review Council—16th report, for 1991-92.
Australian Capital Territory (Planning and Land Management) Act—National Capital Planning Authority—Report for 1991-92.
Australian Federal Police Act—Australian Federal Police—Report for 1991-92.
Australian Postal Corporation Act—Australian Postal Corporation (Australia Post)—Report for 1991-92.
Australian Securities Commission Act—Corporations and Securities Panel—Report for 1991-92.
Economic Planning Advisory Council Act—Economic Planning Advisory Council—Report for 1991-92.

- Employment, Education and Training Act—National Board of Employment, Education and Training—Report of the Australian Research Council, including the Board's comments—Internationalisation of research and research training in higher education, November 1992.
- Family Law Act—Family Law Council—Report for 1991-92.
- Fishing Industry Research Act—Report for 1991-92.
- Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report on Australian Defence Force policy on homosexuality.
- Immigration Review Tribunal—Report for 1991-92.
- Industry Commission Act—Industry Commission—Report No. 27—Book production, 15 October 1992.
- National Film and Sound Archive—Review 1991-92.
- National Library Act—National Library of Australia—32nd report, for 1991-92.
- National Training Board—3rd report, for 1991-92.
- Pipeline Authority Act—Pipeline Authority—Report for 1991-92.
- Primary Industries and Energy Research and Development Act—Rural Industries Research and Development Corporation—Report for 1991-92.
- Public Service Act—
 Department of Employment, Education and Training—Review 1991-92.
 Department of Health, Housing and Community Services—Report, including a report on the administration and operation of the First Home Owners Act, information on the transfer of nursing education pursuant to the States Grants (Nurse Education Transfer Assistance) Act and on the Commonwealth Rehabilitation Service and Therapeutic Goods Administration pursuant to the Audit Act, for 1991-92.
- 6 ECONOMIC PLANNING ADVISORY COUNCIL—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Economic Planning Advisory Council Act—Economic Planning Advisory Council—Report for 1991-92.
 Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 7 AUSTRALIAN POSTAL CORPORATION—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Australian Postal Corporation Act—Australian Postal Corporation (Australia Post)—Report for 1991-92.
 Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 8 PIPELINE AUTHORITY—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Pipeline Authority Act—Pipeline Authority—Report for 1991-92.
 Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.
- 9 FAMILY LAW COUNCIL—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Family Law Act—Family Law Council—Report for 1991-92.
 Debate adjourned (Mr Smith), and the resumption of the debate made an order of the day for the next sitting.

- 10 **PAPER:** Mr Beazley (Leader of the House) presented the following paper:
Petition not in accord with standing orders of the House—Continued funding for the Adult Migrant Education Program (AMEP) (Mr Keating, 431 petitioners).
- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—STATE OF THE ECONOMY:** The House was informed that Dr Hewson (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The collapse of the One Nation and budget forecasts and the Government’s continuing failure to give an accurate assessment of the state of the economy”.
The proposed discussion having received the necessary support—
Dr Hewson addressed the House.
Discussion ensued.
Member named: The Deputy Speaker named the Member for Higgins (Mr Costello) for refusing to resume his seat when directed to do so by the Chair.
Mr Dawkins (Treasurer) moved—That the Member for Higgins be suspended from the service of the House.
Mr T. A. Fischer (Leader of the National Party of Australia) having addressed the Chair, and Mr Costello having apologised to, and the apology having been accepted by, the Chair, the matter was not further proceeded with.
Discussion continued.
Ordered—That Mr Dawkins be granted an extension of time.
Discussion continued.
Discussion concluded.
- 12 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:
17 November 1992—Message—
No. 552—Appropriation (Parliamentary Departments) 1992-93.
No. 553—Appropriation (No. 1) 1992-93 (*without requests*).
No. 554—Appropriation (No. 2) 1992-93.
- 13 **MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS:** Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:
11 November 1992—Message No. 346—
Health and Community Services Legislation Amendment 1992.
Australian Wine and Brandy Corporation Amendment 1992.
19 November 1992—Message No. 347—Student Assistance Amendment 1992.
- 14 **ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER:** Mr Bevis (Chairman) presented the following report and related papers:
Electoral Matters—Joint Standing Committee—Counting the vote on election night: Conduct of the 1990 federal election Part II and preparations for the next federal election—
Interim report, November 1992.
Evidence received by the committee.
Ordered—That the report be printed.
Mr Bevis, by leave, made a statement in connection with the report.
Dr Theophanous, by leave, moved—That the House take note of the report.
Debate adjourned (Mr Bevis), and the resumption of the debate made an order of the day for the next sitting.

15 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED ADDITIONAL EXPENDITURE FOR YEAR 1992-93—APPROPRIATION BILL (NO. 3) 1992-93: Message No. 348, dated 23 November 1992, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of proposed additional expenditure from the Consolidated Revenue Fund for the service of the year ending on 30 June 1993; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sums appropriated by the *Appropriation Act (No. 1) 1992-93*, for the service of the year ending on 30 June 1993, and for related purposes.

Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sums appropriated by the *Appropriation Act (No. 1) 1992-93*, for the service of the year ending on 30 June 1993, and for related purposes.

Bill read a first time.

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

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

16 MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED ADDITIONAL EXPENDITURE FOR YEAR 1992-93—APPROPRIATION BILL (NO. 4) 1992-93: Message No. 349, dated 23 November 1992, from His Excellency the Governor-General was announced:

- (a) transmitting to the House of Representatives particulars of certain proposed additional expenditure from the Consolidated Revenue Fund in respect of the year ending on 30 June 1993; and
- (b) in accordance with the requirements of section 56 of the Constitution, recommending to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sums appropriated by the *Appropriation Act (No. 2) 1992-93*, for certain expenditure in respect of the year ending on 30 June 1993, and for related purposes.

Mr Baldwin (Minister Assisting the Treasurer) presented a Bill for an Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sums appropriated by the *Appropriation Act (No. 2) 1992-93*, for certain expenditure in respect of the year ending on 30 June 1993, and for related purposes.

Bill read a first time.

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

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

17 RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 1992: 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:

Radiocommunications legislation—Extract of analysis prepared by Mr Smith, MP.

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 Brereton (Parliamentary Secretary to the Prime Minister), the Bill was read a third time.

- 18 **RADIOCOMMUNICATIONS (RECEIVER LICENCE TAX) AMENDMENT BILL 1992:** 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 Brereton (Parliamentary Secretary to the Prime Minister), the Bill was read a third time.
- 19 **RADIOCOMMUNICATIONS (TEST PERMIT TAX) AMENDMENT BILL 1992:** 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 Brereton (Parliamentary Secretary to the Prime Minister), the Bill was read a third time.
- 20 **RADIOCOMMUNICATIONS TAXES COLLECTION AMENDMENT BILL 1992:** 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 Brereton (Parliamentary Secretary to the Prime Minister), the Bill was read a third time.
- 21 **INDUSTRY, TECHNOLOGY AND COMMERCE LEGISLATION AMENDMENT BILL 1992:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—
Debate resumed.
Question—put and passed—Bill read a second time.
The House resolved itself into a committee of the whole.

In the committee

Clauses 1 and 2, by leave, taken together, and agreed to.

New Part—

On the motion of Mr Free (Minister representing the Minister for Industry, Technology and Commerce), by leave, the following new Part 1A (comprising new clauses 2A, 2B, 2C, 2D and 2E) was inserted in the Bill:

**“PART 1A—AMENDMENTS OF THE AUSTRALIAN
INSTITUTE OF MARINE SCIENCE ACT 1972**

Principal Act

“2A. In this Part, ‘Principal Act’ means the *Australian Institute of Marine Science Act 1972*^{1A}.

Interpretation

“2B. Section 5 of the Principal Act is amended by adding at the end the following subsection:

‘(2) The question whether a company is a subsidiary of the Institute is to be determined in the same way as the question whether a corporation is a subsidiary of another corporation is determined for the purposes of the Corporations Law.’

“2C. Section 9 of the Principal Act is repealed and the following section is substituted:

Functions of Institute

‘9.(1) The functions of the Institute are:

- (a) to carry out research and development in relation to marine science and marine technology; and

- (b) to encourage and facilitate the application and use of the results of research and development of that kind; and
- (c) to arrange for carrying out research and development of that kind; and
- (d) to co-operate with other institutions and persons in carrying out research and development of that kind; and
- (e) to provide any other institution or person with facilities for carrying out research and development of that kind; and
- (f) to collect and disseminate information relating to marine science and marine technology and, in particular, to publish reports and other papers; and
- (g) to provide and sell goods (whether produced by the Institute or purchased or otherwise acquired by the Institute) and services in connection with matters related to its research and development activities in marine science and marine technology; and
- (h) to make available to other persons, on a commercial basis, the knowledge, expertise, equipment and facilities of the Institute; and
- (i) to do anything incidental or conducive to the performance of any of the functions in paragraphs (a) to (h).

‘(2) The Institute may perform its functions only:

- (a) in so far as it is appropriate for its functions to be performed by the Institute on behalf of the Government of the Commonwealth as the national Government; or
- (b) for the purposes for which it is appropriate for the Parliament as the national Parliament of Australia to authorise the Institute to perform functions; or
- (c) by way of expenditure or money that is available for the purposes of the Institute in accordance with an appropriation made by the Parliament; or
- (d) in the course of, and in relation to, trade and commerce with other countries, among the States, between Territories or between a Territory and a State; or
- (e) for purposes related to external affairs; or
- (f) for purposes in relation to a Territory.’.

Powers of Institute

“2D. Section 10 of the Principal Act is amended:

- (a) by omitting paragraphs (2)(a) and (b) and substituting the following paragraphs:

- (a) to enter into contracts;
- (b) to acquire, hold and dispose of personal property;
- (ba) to take on hire, or to accept on loan, equipment (including vessels) or other goods needed for the purposes of the Institute;
- (bb) to lend or to hire out equipment (including vessels) or other goods that are the property of the Institute;’;

- (b) by omitting paragraphs (2)(f) and (g) and substituting the following paragraphs:

- (f) to participate in partnerships, trusts, unincorporated joint ventures and other arrangements for sharing profits;
- (g) to subscribe for and to purchase shares in, and debentures and other securities of, companies;
- (h) to form, and to participate in the formation of, companies;
- (i) to appoint agents and attorneys, and to act as agents for other persons;
- (j) to accept anything given or transmitted to the Institute whether on trust or otherwise, and to act as trustee of money or other property vested in the Institute on trust;

- (k) to arrange for displaying material and giving lectures, to the public or otherwise, in respect of matters relating to marine science and marine technology.’

“2E. After section 10 insert the following section in Part II:

Limitation of formation of companies etc.

‘10AA.(1) The Institute must not, without written approval by the Minister:

- (a) subscribe for, or purchase, shares in, or debentures or other securities of, a company; or
 (b) form or participate in the formation of a company that would, on its formation, be a subsidiary of the Institute.

‘(2) An approval under subsection (1):

- (a) may be of general application or may relate to a particular company or proposed company; and
 (b) may be given subject to conditions or restrictions set out in the instrument of approval.

‘(3) Subject to subsection (4), if the Institute subscribes for or purchases shares in, or debentures or other securities of, a company, the Minister must:

- (a) cause to be prepared a statement setting out particulars of, and the reasons for, the subscription or purchase; and
 (b) cause a copy of the statement to be laid before each House of the Parliament within 15 sitting days of that House:
 (i) after the subscription or purchase took place; or
 (ii) if the Minister is of the opinion that disclosure of the subscription or purchase would adversely affect the commercial interests of the Institute, after the Minister ceases to be of that opinion.

‘(4) If the Institute holds a controlling interest in a company, the Institute must ensure that the company does not do anything that the Institute is not itself empowered to do.’”.

“1A. No. 55, 1972, as amended. For previous amendments, see Nos. 61 and 216, 1973; No. 36, 1978; No. 65, 1985; Nos. 76 and 168, 1986; No. 141, 1987; and Nos. 122 and 199, 1991.”.

Part 2 (clauses 3 and 4), by leave, taken as a whole, and debated.

Question—That Part 2 be agreed to—put.

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

AYES, 66

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|-----------------|------------------|-----------------|----------------|
| Mr Baldwin | Mr Dubois | Mrs Jakobsen | Mr O’Neil |
| Mr Beazley | Mr Duffy | Mr Jenkins | Mr Price |
| Mr Beddall | Mr Duncan | Mr Johns | Mr Punch |
| Mr Bevis | Mr R. F. Edwards | Mr Jones | Mr Sawford |
| Mr Bilney | Mr Elliott | Mrs Kelly | Mr Scholes |
| Dr Blewett | Mr Ferguson | Mr Kerr | Mr Sciacca |
| Mr Brereton | Mr Fitzgibbon | Mr Langmore | Mr J. L. Scott |
| Mr R. J. Brown | Mr Free | Mr Lavarch | Mr L. J. Scott |
| Mr Campbell | Mr Gear* | Mr Lee | Mr Simmons |
| Dr Catley | Mr Gorman | Mr Lindsay | Mr Snow |
| Dr Charlesworth | Mr Grace* | Ms McHugh | Mr Staples |
| Mr Courtice | Mr Griffiths | Mr Martin | Dr Theophanous |
| Ms Crawford | Mr Hand | Mr Melham | Mr Tickner |
| Mr Crean | Mr Holding | Mr A. A. Morris | Mr Walker |
| Mrs Crosio | Mr Hollis | Mr P. F. Morris | Mr Wright |
| Mrs Darling | Mr Hulls | Mr Newell | |
| Mr Dawkins | Mr Humphreys | Mr O’Keefe | |

NOES, 59

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

* Tellers

And so it was resolved in the affirmative.

Clauses 5 to 10, by leave, taken together, and agreed to.

Part 5 (clauses 11 to 17), by leave, taken as a whole, and agreed to, after debate.

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

Bill to be reported with amendments.

The House resumed; Mr Nehl reported accordingly.

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

- 22 **AUSTRALIAN CENTRE FOR INTERNATIONAL AGRICULTURAL RESEARCH AMENDMENT BILL 1992:** 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 Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade), the Bill was read a third time.

- 23 **ADJOURNMENT:** Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11.19 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 24 November 1992:

Australian Meat and Live-stock Corporation Act—Orders—Nos. M53/92, MQ43/92, MQ44/92, MQ45/92.

Australian Wool Realisation Commission Act and Australian Wool Corporation Act—Regulations—Statutory Rules 1992 No. 358.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1992 No. 359.

Christmas Island Act—Ordinance—1992 No. 8.

Construction Industry Reform and Development Act—Regulations—Statutory Rules 1992 No. 356.

Corporations Act—Regulations—Statutory Rules 1992 No. 364.

Customs Act—Regulations—Statutory Rules 1992 No. 344.

Customs Act and Excise Act—Instruments of approval—1992 Nos. 41, 42.

- Defence Act—Determinations under section 58B—1992 Nos. 52, 53.
 Excise Act—Regulations—Statutory Rules 1992 No. 345.
 Fisheries Act—Management Plan 1991—
 South East Fishery (Individual Transferable Quota) (Amendment).
 South East Fishery (Individual Transferable Quota) (Amendment)
 (No. 2).
 Health Insurance Act—Regulations—Statutory Rules 1992 No. 347.
 Industrial Relations Act—Regulations—Statutory Rules 1992 Nos. 351,
 357.
 Interstate Road Transport Act—Regulations—Statutory Rules 1992
 No. 350.
 Interstate Road Transport Charge Act—Regulations—Statutory Rules 1992
 No. 349.
 Lands Acquisition Act—Statement under subsection 40(1).
 Long Service Leave (Commonwealth Employees) Act—Regulations—
 Statutory Rules 1992 Nos. 353, 354, 355.
 Migration Act—Regulations—Statutory Rules 1992 No. 346.
 National Health Act—
 Declarations—1992 Nos. PB 13, PB 14.
 Determinations—Nos. HSB 19/1992, HSB 20/1992, HSB 21/1992, HSB
 22/1992, 1992 PB 15.
 Notice No. DSP NHA 1-92.
 Nursing Homes Assistance Act—Notice No. DSP NHAA 1-92.
 Ozone Protection Act—Regulations—Statutory Rules 1992 No. 348.
 Public Service Act—Determinations—1992 Nos. 176, 180, LES 32.
 Sales Tax Assessment Act—Regulations—Statutory Rules 1992 No. 365.
 Sales Tax Assessment Acts (Nos. 1 to 11)—Regulations—Statutory Rules
 1992 No. 362.
 Sales Tax (Exemptions and Classifications) Act—Regulations—Statutory
 Rules 1992 Nos. 361, 363.
 Sales Tax Procedure Act—Regulations—Statutory Rules 1992 No. 360.
 Superannuation Act 1976—Determinations under—
 Section 133, 4 November 1992.
 Subsection 134(4), 4 November 1992.
 Superannuation (Productivity Benefit) Act—Declaration—Statutory Rules
 1992 No. 366.
 Trade Union Training Authority Act—Regulations—Statutory Rules 1992
 No. 352.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr
 Cameron*, Ms Fatin, Mr Gibson, Mr Hicks, Mr Howe, Mr Kerin, Mr Willis
 and Mr H. F. Woods.

*On leave

L. M. BARLIN
 Clerk of the House of Representatives