

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 125

THURSDAY, 2 MARCH 1995

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **BANKING (QUEENSLAND INDUSTRY DEVELOPMENT CORPORATION) AMENDMENT BILL 1995**

Mr Johns (Special Minister of State), for Mr Gear (Assistant Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Banking Act 1959*.

Bill read a first time.

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

Ordered—That the second reading be made an order of the day for the next sitting.

3 **COMMONWEALTH AUTHORITIES (AUSTRALIAN CAPITAL TERRITORY PAY-ROLL TAX) BILL 1995**

Mr Johns (Special Minister of State), for Mr Gear (Assistant Treasurer), pursuant to notice, presented a Bill for an Act relating to the liability of certain Commonwealth authorities to pay Australian Capital Territory pay-roll tax.

Bill read a first time.

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

Ordered—That the second reading be made an order of the day for the next sitting.

4 **TOBACCO ADVERTISING PROHIBITION AMENDMENT BILL 1995**

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.

Debate adjourned (Mr Beazley—Leader of the House), and the resumption of the debate made an order of the day for a later hour this day.

5 **MESSAGE FROM THE SENATE—ATSIC AMENDMENT (INDIGENOUS LAND CORPORATION AND LAND FUND) BILL 1994**

The following message from the Senate was reported:

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Aboriginal and Torres Strait Islander Commission Act 1989' and certain other Acts, and for related purposes*", and acquaints the House that the Senate has considered message no. 407 of the House relating to the bill.

The Senate does not press its request for an amendment, which the House has not made, but in place thereof, has made amendments to the bill and has made further amendments to the bill, as indicated by the annexed schedule.

The Senate requests the concurrence of the House in the amendments made by the Senate.

MICHAEL BEAHAN
President

The Senate

Canberra, 1 March 1995

Power of Senate to press requests for amendments to bills—Statement by Speaker

The Speaker made the following statement:

The message assumes the right of the Senate to press a request. The House has never accepted the right of the Senate to press a request. However, the House will proceed to consider the message.

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

AMENDMENTS MADE IN PLACE OF REQUEST NOT PRESSED

No. 1—Clause 3, page 25, proposed subsection 193(1), formula, omit "\$121 million", substitute "\$121 million + \$AE".

No. 2—Clause 3, page 26, proposed subsection 193(1), line 1, after "where" insert the following definition:

"**\$AE**' means administrative expenses of not less than \$3 million to be appropriated by the Parliament from the Consolidated Revenue Fund for the purposes of section 192SA;"

No. 3—Clause 3, page 26, proposed subsection 193(5), line 21, omit "The Consolidated Revenue Fund", substitute "Except in respect of administrative expenses referred to in subsection (1), the Consolidated Revenue Fund".

FURTHER AMENDMENTS MADE BY THE SENATE

Title

No. 1—GWA 1

Title, page 1, after "Acts" insert "so as to establish a Land Fund and an Indigenous Land Corporation to help redress the dispossession of Aboriginal persons and Torres Strait Islanders".

No. 2—GWA 2

Clause 1, page 1, lines 3 to 7, omit the clause, substitute the following clause:

Short title etc.

“1.(1) This Act may be cited as the *Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1994*.

“(2) In this Act, ‘Principal Act’ means the *Aboriginal and Torres Strait Islander Commission Act 1989*¹.”

No land to be claimed under Native Title Act

No. 3—Opp 9 (as amended)

Clause 3, page 4, at end of proposed section 191D add the following subsection:

“ (4) In performing its land acquisition functions, the Indigenous Land Corporation must search any relevant Registers of the National Native Title Tribunal to ascertain whether any claims have been lodged or accepted or determined in relation to land under consideration for acquisition.”

Object and principles

No. 4—Opp 1 (as amended)

Clause 3, page 2, before proposed Division 1 of Part 4A insert the following Division:

“ *Division 1A—Object and principles*

Object of Part

Background

“ ‘191AA.(1) It is important to recognise that many Aboriginal persons and Torres Strait Islanders, because they have been dispossessed of their traditional lands, will be unable to assert meaningful title to those lands and that a special fund needs to be established to assist them to acquire land.

Object

“(2) Therefore, the object of this Part is to assist those dispossessed Aboriginal persons and Torres Strait Islanders to meet their economic, cultural and spiritual aspirations through the acquisition and management of land.

Giving effect to object

“(3) To give effect to that object, this Part establishes a fund, known as the Aboriginal and Torres Strait Islander Land Fund, and a corporation, known as the Indigenous Land Corporation, to facilitate the acquisition and management of land for those Aboriginal persons and Torres Strait Islanders.

Principles to be adhered to

‘191AB. In the performance of functions and the exercise of powers under this Part, the following principles are to be adhered to:

- (a) the functions and powers must be performed and exercised in the way that, in the opinion of the person performing or exercising them, best promotes the object of this Part;
- (b) if a conflict arises as to the allocation of the resources of the Fund, priority is to be given to those who suffer most disadvantage in relation to access to land or who are unable to gain substantive title to land;
- (c) community based Aboriginal and Torres Strait Islander land bodies should be recognised and used to the fullest extent;
- (d) significant regard must be had to the views of those bodies;

- (e) administrative costs should be kept to a minimum and duplication of administrative capability should be avoided.”.

No. 5—Opp 2 (as amended)

Clause 3, page 3, at end of proposed section 191B add “in furtherance of the object of this Part”.

Grants to individuals and trustees

No. 6—Opp 4

Clause 3, page 3, proposed subsection 191D(1), lines 19 to 31, omit the subsection, substitute the following subsection:

Functions

“191D.(1) The **land acquisition functions** of the Indigenous Land Corporation are as follows:

- (a) to grant interests in land to:
 - (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;
- (b) to acquire by agreement interests in land for the purpose of making grants under paragraph (a);
- (c) to make grants of money to:
 - (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;
 for the acquisition of interests in land;
- (d) to guarantee loans made to:
 - (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;
 for the purpose of the acquisition of interests in land.

Note 1 : “Interest in land” is defined by section 4.

Note 2 : “Aboriginal or Torres Strait Islander corporation” is defined by section 4.

Note 3 : “Aboriginal or Torres Strait Islander trust” is defined by section 4.”.

No. 7—Opp 8

Clause 3, page 4, proposed paragraph 191D(3)(b), lines 11 to 14, omit the paragraph, substitute the following paragraph:

- “(b) in a case where the Indigenous Land Corporation acquires an interest in land for the purpose of making a grant of the interest to:
- (i) an Aboriginal or Torres Strait Islander corporation; or
 - (ii) an Aboriginal person; or

- (iii) a Torres Strait Islander; or
 - (iv) a trustee of an Aboriginal or Torres Strait Islander trust;
- that grant being made within a reasonable time after that acquisition.”.

No. 8—Opp 15

Clause 3, page 9, proposed paragraph 191J(1)(b), lines 28 to 32, omit the paragraph, substitute the following paragraph:

- “(b) the Indigenous Land Corporation or the subsidiary, as the case requires, considers that it no longer needs to hold the interest for the purpose of making a grant of the interest to:
- (i) an Aboriginal or Torres Strait Islander corporation; or
 - (ii) an Aboriginal person; or
 - (iii) a Torres Strait Islander; or
 - (iv) a trustee of an Aboriginal or Torres Strait Islander trust;
- within a reasonable time after that acquisition.”.

No. 9—Opp 16

Clause 3, page 10, proposed paragraph 191N(2)(a), lines 29 and 30, omit the paragraph, substitute the following paragraph:

- “(a) the acquisition of interests in land for the purpose of making grants of those interests to:
- (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;”.

No. 10—Opp 21

Clause 3, page 11, proposed paragraph 191P(4)(a), lines 31 to 33, omit the paragraph, substitute the following paragraph:

- “(a) the acquisition of interests in land in the regional area for the purpose of making grants of those interests to:
- (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;”.

No. 11—Opp 26

Clause 3, pages 12 and 13, proposed section 191S, line 33 (page 12) to line 33 (page 13), omit “body corporate” (wherever occurring), substitute “person”.

No. 12—Opp 28

Clause 3, pages 13 and 14, proposed section 191T, line 34 (page 13) to line 21 (page 14), omit “body corporate” (wherever occurring), substitute “person”.

No. 13—Opp 29

Clause 3, pages 14 and 15, proposed section 191U, line 22 (page 14) to line 4 (page 15), omit “body corporate” (wherever occurring), substitute “person”.

No. 14—Opp 43

Clause 3, page 38, proposed paragraph 193R(1)(g), line 36, omit “body corporate”, substitute “person”.

No. 15—Opp 44

Clause 3, page 39, proposed paragraph 193R(1)(i), line 2, omit “body corporate”, substitute “person”.

No. 16—Opp 45

Clause 3, page 39, proposed paragraph 193R(1)(i), line 3, omit “body corporate”, substitute “another person”.

No. 17—Opp 50 (as amended)

Clause 5, page 43, after proposed definition of “**Aboriginal or Torres Strait Islander corporation**” insert the following definition:

“ ‘**Aboriginal or Torres Strait Islander trust**’ means a trust:

- (a) in which a majority of the beneficial interests are held by:
 - (i) Aboriginal persons; or
 - (ii) Torres Strait Islanders; or
 - (iii) an Aboriginal or Torres Strait Islander corporation; or
 - (iv) a combination of those persons; and
- (b) where details of the ownership of the other beneficial interests have been provided to the Indigenous Land Corporation;”.

Terms and conditions for grants, guarantees and loans**No. 18—Opp 5A**

Clause 3, page 3, proposed subsection 191D(2), lines 32 to 34, omit the subsection, substitute the following subsections:

Grants—terms and conditions

“(2) The Indigenous Land Corporation may make a grant of money on terms and conditions that must relate to:

- (a) the purposes for which the money may be spent; or
- (b) the period within which the money is to be spent; or
- (c) the acquittal of money spent; or
- (d) the giving of information in relation to the grant.

If the grant becomes repayable because of a breach of such a term or condition, the Indigenous Land Corporation must take all reasonable steps to recover the repayment.

Guarantees—terms and conditions

“(2A) A guarantee is subject to such terms and conditions as the Indigenous Land Corporation determines.”.

No. 19—Opp 57

Clause 3, page 4, proposed subsection 191E(2), lines 37 to 39, omit the subsection, substitute the following subsections:

Grants—terms and conditions

“(2) The Indigenous Land Corporation may make a grant of money on terms and conditions that must relate to:

- (a) the purposes for which the money may be spent; or
- (b) the period within which the money is to be spent; or

- (c) the acquittal of money spent; or
- (d) the giving of information in relation to the grant.

If the grant becomes repayable because of a breach of such a term or condition, the Indigenous Land Corporation must take all reasonable steps to recover the repayment.

Loans—terms and conditions

‘(2A) The Indigenous Land Corporation may make a loan of money on terms and conditions that must relate to:

- (a) the purposes for which the money may be spent; or
- (b) the period within which the money is to be spent; or
- (c) the acquittal of money spent; or
- (d) the giving of information relating to the loan; or
- (e) the repayment of the loan; or
- (f) the payment of interest (including interest on interest); or
- (g) if the loan is secured—the loan security.

Guarantees—terms and conditions

‘(2B) A guarantee is subject to such terms and conditions as the Indigenous Land Corporation determines.’.

New words “give priority to”

No. 20—Opp 6

Clause 3, page 3, proposed subsection 191D(3), line 38, omit “have regard to the desirability of ”, substitute “give priority to”.

No. 21—Opp 11

Clause 3, page 5, proposed subsection 191E(3), line 4, omit “have regard to the desirability of ”, substitute “give priority to”.

No. 22—Opp 12

Clause 3, page 6, proposed subsection 191F(2), lines 15 and 16, omit “have regard to the desirability of ”, substitute “give priority to”.

Grant interest in land as soon as practicable after acquisition

No. 23—GWA G1

Clause 3, page 4, at end of proposed section 191D add the following subsection:

- “(4) Except where under this Part it acquires an interest in land:
- (a) as office accommodation from which to discharge its functions; or
 - (b) as a result of the investment of Land Fund monies;

where the Indigenous Land Corporation acquires an interest in land it must grant that interest, as soon as practicable after its acquisition, to:

- (c) an Aboriginal or Torres Strait Islander corporation; or
- (d) Aboriginal persons; or
- (e) Torres Strait Islanders; or
- (f) trustees of Aboriginal or Torres Strait Islander trusts.”.

No. 24—GWA G2

Clause 3, page 7, proposed subsection 191G(3), line 24, omit “Subsections 191D(3) and 191E(3)”, substitute “Subsections 191D(3), 191D(4) and 191E(3)”.

Land grants to have regard to health, housing etc.**No. 25—Opp 7 (as amended)**

Clause 3, page 4, proposed paragraph 191D(3)(a), lines 1 to 10, omit the paragraph, substitute the following paragraph:

“(a) pursuing a policy of:

- (i) acquiring interests in land and granting the interests to:
 - (A) Aboriginal or Torres Strait Islander corporations; or
 - (B) Aboriginal persons; or
 - (C) Torres Strait Islanders; or
 - (D) trustees of Aboriginal or Torres Strait Islander trusts;

(ii) in cases where the Indigenous Land Corporation grants money to:

- (A) Aboriginal or Torres Strait Islander corporations; or
- (B) Aboriginal persons; or
- (C) Torres Strait Islanders; or
- (D) trustees of Aboriginal or Torres Strait Islander trusts;

for the acquisition of interests in land—acting as the agent of the relevant corporations or persons in connection with those acquisitions;

(except where the circumstances make the pursuit of such a policy impracticable or inadvisable) with regard, at all times, to the need to improve the viability of Aboriginal and Torres Strait Islander communities, including by addressing their health, housing, educational, economic, social or cultural needs, as a result of the acquisition of land or interests in land to which those persons may have access;”.

Consultation of traditional owners**No. 26—GWA S1 (as amended)**

Clause 3, page 4, at end of section 191D add the following subsection:

Consultation

“(4) Before the Indigenous Land Corporation performs a land acquisition function referred to in subsection (1), it must take all reasonable steps to consult those Aboriginal and Torres Strait Islander people having traditional or historic links with the land.”.

ILC not to retain interests in land**No. 27—Opp 55**

Clause 3, page 4, at end of proposed subsection 191D(3) add the following paragraph:

“(c) pursuing a policy of not retaining any interest in a parcel of land in which it has granted an interest under paragraph (1)(a)”.

ILC to report to Minister in relation to sacred matters**No. 28—Opp 13**

Clause 3, page 6, proposed subsection 191F(4), line 31, before “In” insert “Subject to subsection (5),”.

No. 29—Opp 14

Clause 3, page 6, at end of proposed section 191F add the following subsection:

Report to Minister if sacred matters affect performance etc.

“(5) The Indigenous Land Corporation must provide a written report to the Minister in cases where the performance of its functions is affected by matters referred to in subsection (4).”.

Performance of functions of ILC to ensure social and cultural benefits

No. 30—GWA 4

Clause 3, page 6, before proposed paragraph 191F(2)(a) insert the following paragraph:

“(aa) ensuring that, as far as practicable, Aboriginal persons or Torres Strait Islanders derive social or cultural benefits as a result of the performance of those functions;”.

ILC to consult person, corporation or trust for whom interest acquired

No. 31—GWA 13

Clause 3, page 9, at end of proposed section 191J add the following subsection:

Consultation

“(3) If:

- (a) the Indigenous Land Corporation or the subsidiary, as the case requires, proposes to dispose of the interest under subsection (2); and
- (b) the interest was acquired by the Indigenous Land Corporation or the subsidiary, as the case requires, for the purpose of making a grant of the interest to:
 - (i) a particular Aboriginal or Torres Strait Islander corporation; or
 - (ii) a particular Aboriginal person; or
 - (iii) a particular Torres Strait Islander; or
 - (iv) trustees of a particular Aboriginal or Torres Strait Islander trust; and
- (c) in the case of an Aboriginal or Torres Strait Islander corporation or an Aboriginal or Torres Strait Islander trust—the corporation or trust is still in existence at the time of the proposal; and
- (d) in the case of an Aboriginal person or a Torres Strait Islander—the Aboriginal person or the Torres Strait Islander is still alive at the time of the proposal;

the Indigenous Land Corporation or the subsidiary, as the case requires, must consult the corporation, Aboriginal person, Torres Strait Islander or trustee, as the case requires, before disposing of the interest under subsection (2).”.

No ILC consent required for disposal of land

No. 32—GWA L1

Clause 3, pages 12 to 14, proposed sections 191S and 191T, line 33 (page 12) to line 21 (page 14), omit the sections.

Appointment of an ATSIC Commissioner to ILC Board

No. 33—Opp 33

Clause 3, page 15, proposed paragraph 191V(2)(c), line 15, omit the paragraph, substitute the following paragraph:

“(c) a Commissioner nominated by the Commission;”.

Qualifications of appointed ILC Board members**No. 34—Opp 35**

Clause 3, page 16, proposed subsection 191X(4), lines 9 to 14, omit the subsection, substitute the following subsection:

Qualifications

“(4) Each appointed ordinary member of the Board is to be a person who the Minister is satisfied has experience in:

- (a) land or environmental management; or
- (b) business or financial management; or
- (c) Aboriginal community life or Torres Strait Islander community life;

and the Minister must ensure that at least 2 appointed ordinary members of the Board have experience in business or financial management.”.

Appointment of ILC Directors—broad representation**No. 35—Opp 36**

Clause 3, page 16, proposed subsection 191X(5), lines 15 to 19, omit the subsection, substitute the following subsection:

“(5) In making appointments to the Indigenous Land Corporation Board, the Minister must have regard to the need to ensure the broadest possible representation of those Aboriginal persons and Torres Strait Islanders to whom this Part is directed.”.

ILC Board to approve certain terms and conditions of Directors and Chairperson**No. 36—GWA M4**

Clause 3, page 17, proposed subsection 192B(2), line 25, omit “Minister’s written approval”, substitute “written agreement of the Indigenous Land Corporation Board”.

No. 37—GWA M5

Clause 3, page 17, proposed subsection 192C(2), line 31, omit “Minister”, substitute “Indigenous Land Corporation Board”.

No. 38—GWA M6

Clause 3, page 17, proposed subsection 192C(3), line 35, omit “Minister”, substitute “Indigenous Land Corporation Board”.

No. 39—GWA M7

Clause 3, page 18, proposed subsection 192D(3), line 13, omit “Minister”, substitute “Indigenous Land Corporation Board”.

No. 40—GWA M8

Clause 3, page 20, proposed paragraph 192H(3)(b), line 24, omit “Minister’s approval”, substitute “agreement of the Indigenous Land Corporation Board”.

National strategies to be based on regional strategies**No. 41—GWA J1A**

Clause 3, page 10, proposed subsection 191N(1), line 23, omit “191N.(1)”, substitute “191P.(1)”.

No. 42—GWA J2A (as amended)

Clause 3, page 10, after proposed subsection 191N(1) insert the following subsection:

National indigenous land strategy to be based on regional strategies

“(1A) The national indigenous land strategy must be based on, derived from and reflect the regional indigenous land strategies provided for under section 191P.”

No. 43—GWA J3A

Clause 3, pages 10 and 11, proposed subsection 191N(3), line 34 (page 10) to line 4 (page 11), omit the subsection, substitute the following subsection:

Consultation on national indigenous land strategy

“(3) In performing functions under this section, the Indigenous Land Corporation Board:

- (a) must consult as widely as possible with representatives of those Aboriginal persons and Torres Strait Islanders to whom this Part is directed; and
- (b) must consult with the Commission; and
- (c) may consult such other persons and bodies as the Board considers appropriate.”.

No. 44—GWA J4A

Clause 3, page 11, proposed subsection 191N(6), lines 11 to 13, omit the subsection, substitute the following subsection:

Copy to be given to Minister

“(6) The Indigenous Land Corporation Board must give a copy of the national indigenous land strategy and a copy of any changes it has made to the national indigenous land strategy to the Minister within 2 months of the Board agreeing to the strategy or change.”.

No. 45—GWA J5A

Clause 3, page 11, proposed subsection 191P(1), line 17, omit “191P(1)”, substitute “191N(1)”.

No. 46—GWA J6

Clause 3, page 11, after proposed subsection 191P(4) insert the following subsection:

Moneys not to be distributed until regional strategy prepared

“(4A) The Indigenous Land Corporation must ensure that no moneys are distributed from the fund for the performance of the Corporation’s functions in a region until the regional land strategy for that region has been prepared.”.

No. 47—GWA J7 (as amended)

Clause 3, page 12, proposed paragraphs 191P(5)(a) and (b), lines 4 to 7, omit the paragraphs, substitute the following paragraphs:

- “(a) must consult, as far as is practicable, with Aboriginal or Torres Strait Islander corporations, Aboriginal persons, Torres Strait Islanders and trustees of Aboriginal or Torres Strait Islander trusts in the regional area; and
- (b) must, if any part of the region is included in the regional area, consult the Regional Council for the region; and

- (c) must consult with the State or Territory Government or Governments relevant to each region so as to ensure as far as is practicable that regional indigenous land strategies complement existing State, Territory or regional land acquisition and management programs for Aboriginal persons or Torres Strait Islanders.”.

No. 48—GWA J8

Clause 3, page 12, proposed section 191Q, lines 17 to 22, omit the section, substitute the following section:

Indigenous Land Corporation to base land acquisition and land management decisions on the regional and national strategies

“191Q. Decisions taken by the Indigenous Land Corporation in relation to its land acquisition functions and its land management functions must be based on:

- (a) each relevant regional indigenous land strategy; and
- (b) the national indigenous land strategy.”.

National strategy to be tabled in Parliament

No. 49—Opp 20 (as amended)

Clause 3, page 11, at end of proposed section 191N add the following subsection:

Copy to be tabled in each House

“(7) The Minister must cause a copy of the national indigenous land strategy or of any changes made to the national indigenous land strategy to be presented to each House of the Parliament within 15 sitting days of that House after the Minister has received the document.”.

Land management activities

No. 50—Opp 10A

Clause 3, page 4, after proposed subsection 191E(1) insert the following subsection:

Land management activities relating to particular indigenous-held land

“(1A) Paragraph (1)(c) does not authorise the Indigenous Land Corporation to carry on a land management activity in relation to particular indigenous-held land otherwise than under an agreement with the holder of the land.”.

Expenses of day-to-day administration

No. 51—GWA AA1

Clause 3, page 23, line 34, omit “*Division 9—Staff*”, substitute “*Division 9—Administrative expenditure and staff*”.

No. 52—GWA AA2 (as amended)

Clause 3, page 23, before proposed section 192S insert the following section:

Expenses of day-to-day administration of the Indigenous Land Corporation

First category A year

“192SA.(1) In the first category A year, expenditure by the Indigenous Land Corporation on the expenses of the day-to-day administration of the Indigenous Land Corporation must not exceed \$3 million or such higher amount as is appropriated by the Parliament from the Consolidated Revenue Fund for this purpose.

Second category A year

'(2) In the second and any later category A year, expenditure by the Indigenous Land Corporation on the day-to-day administration of the Indigenous Land Corporation must not exceed the amount worked out using the formula:

Indexation factor x (\$3 million or such higher amount as is appropriated by the Parliament from the Consolidated Revenue Fund for this purpose)

where:

"Indexation factor" means the indexation factor for the year worked out under section 193D.

Definition

'(3) Subject to subsection (4), in this section **"expenses of day-to-day administration"** include:

- (a) the salaries, wages, remuneration, allowances, expenses or any other payments made to employees of the Indigenous Land Corporation;
- (b) any expenses arising from the acquisition, lease or use of:
 - (i) any interest in land acquired, or leased or used by the Indigenous Land Corporation to provide office accommodation for the purposes of the Indigenous Land Corporation; or
 - (ii) any vehicle or aircraft for transportation, land surveys or similar purposes by the Indigenous Land Corporation; or
 - (iii) any plant, equipment or thing for the purposes of the Indigenous Land Corporation;
- (c) any fees, allowances, expenses, charges, retainers, honorariums or any other costs arising from the engagement, use or retention of independent legal practitioners, real estate valuers, land surveyors, engineers, financial or managerial advisers, or consultants of any kind for the purposes of the Indigenous Land Corporation;
- (d) any costs, charges or payments of any kind to, or to an instrumentality or authority of, the Commonwealth, a State or a Territory, or to any local government body within a State, for any goods or services used by the Indigenous Land Corporation;
- (e) any costs or expenses payable by the Indigenous Land Corporation arising from the creation of a subsidiary within the meaning of section 191G;
- (f) without affecting section 192A, any other administrative expenses incurred by the Indigenous Land Corporation.

'(4) To avoid doubt, it is declared that expenses of day-to-day administration do not include:

- (a) any moneys paid under a contract to a vendor for the acquisition by the Indigenous Land Corporation of an interest in land acquired for the purpose of making grants under paragraph 191D(a);
- (b) any grants of money paid to:
 - (i) an Aboriginal or Torres Strait Islander corporation; or

- (ii) Aboriginal persons; or
- (iii) Torres Strait Islanders; or
- (iv) trustees of Aboriginal or Torres Strait Islander trusts;
for the purposes of section 191D;
- (c) expenses directly incurred in performance of land management functions under section 191E;
- (d) grants or loans for the purposes of paragraph 191E(1)(d) or (e);
- (e) interest payable on any moneys borrowed under section 193L.

‘(5) It is the wish of the Parliament that, as far as is reasonable and practicable, consistent with the efficient and effective performance of its functions, the Indigenous Land Corporation and the Indigenous Land Corporation General Manager are to minimise expenditure on the expenses of the day-to-day administration of the Indigenous Land Corporation.

‘(6) Where, in any category A year, as a result of subsection (5), expenditure by the Indigenous Land Corporation on day-to-day administration is less than the amount provided for by this section for that year, the savings are, as far as is practicable, to be used for land acquisition functions in the following year.’.

No. 53—GWA AA4 (as amended)

Clause 3, page 26, proposed subsection 193A(1), line 27, omit “\$25 million”, substitute “\$28 million and such additional monies as are appropriated by the Parliament from the Consolidated Revenue Fund for administrative expenses”.

No. 54—GWA AA5 (as amended)

Clause 3, page 27, proposed subsection 193A(4), formula, omit “\$24 million”, substitute “\$27 million and such additional monies as are appropriated by the Parliament from the Consolidated Revenue Fund for administrative expenses”.

No. 55—GWA AA6 (as amended)

Clause 3, page 27, proposed subsection 193A(6), line 32, omit “\$24 million”, substitute “\$27 million and such additional monies as are appropriated by the Parliament from the Consolidated Revenue Fund for administrative expenses”.

No. 56—GWA AA7 (as amended)

Clause 3, page 27, proposed subsection 193A(6), line 33, omit “\$45 million”, substitute “\$48 million and such additional monies as are appropriated by the Parliament from the Consolidated Revenue Fund for administrative expenses”.

Credit to Land Fund in first category B year

No. 57—Dem 8

Clause 3, page 26, after proposed section 193 insert the following subsections:

Credit to Land Fund in first category B year

Top-up payment—first category B year

“ ‘193AA.(1) If the target amount for the tenth category A year exceeds the sum of:

- (a) the uninvested money standing to the credit of the Land Fund immediately before the end of that year; and
- (b) the amount that, in the opinion of the Minister for Finance, represents the market value of investments of the Land Fund (other than fixed-interest investments) immediately before the end of that year, having regard to the relevant audited financial statements; and

- (c) the amount that, in the opinion of the Minister for Finance, represents the book value of fixed-interest investments of the Land Fund immediately before the end of that year, having regard to the relevant audited financial statements;

then, on the first business day in October in the first category B year, there is to be credited to the Land Fund an amount equal to the excess.

Note 1: "Target amount" is defined by subsections (2) and (3).

Note 2: "Designated funding amount" is defined by section 193A.

Note 3: "Business day" is defined by section 192Y.

Target amount—second category A year

'(2) For the purposes of this section, the **target amount** for the second category A year is the amount worked out using the formula:

$$\text{Indexation factor} \times \$1,106 \text{ million}$$

where:

"**Indexation factor**" means the indexation factor for the year worked out under section 193D.

Target amount—later category A years

'(3) For the purposes of this section, the **target amount** for a later category A year is the amount worked out using the formula:

$$\text{Indexation factor} \times \text{Previous year's target amount}$$

where:

"**Indexation factor**" means the indexation factor for the year worked out under section 193D;

"**Previous year's target amount**" means the target amount for the previous category A year.

Consolidated Revenue Fund to be debited

'(4) The Consolidated Revenue Fund is to be debited for the purposes of making a credit under this section.

Moneys to be appropriated by another Act

'(5) The Consolidated Revenue Fund is to be appropriated by the Parliament for the purposes of this section."

Single annual payment to ILC

No. 58—GWA C1

Clause 3, pages 26 and 27, proposed subsections 193A(2) and (3), line 32 (page 26) to line 9 (page 27), omit the subsections, substitute the following subsection:

Later category A years

" '(2) On the second business day in the second category A year or a later category A year, there is to be paid to the Indigenous Land Corporation, out of the Land Fund, an amount equal to the designated funding amount for the year.

Note 1: "Business day" is defined by section 192Y.

Note 2: "Designated funding amount" is defined by subsections (4), (5), (6) and (7)."

No. 59—GWA C2

Clause 3, page 28, proposed subsections 193B(1) and (2), lines 14 to 27, omit the subsections, substitute the following subsection:

Later category A years

“193B.(1) On the second business day in the second category A year or a later category A year, there is to be paid to the Commission, out of the Land Fund, an amount equal to the eligible funding amount for the year.

Note 1: “Business day” is defined by section 192Y.

Note 2: “Eligible funding amount” is defined by subsections (3) and (4).”.

No. 60—GWA C3

Clause 3, page 29, proposed subsections 193C(1) and (2), lines 15 to 26, omit the subsections, substitute the following subsection:

Payments

“193C.(1) On the last business day in a category B year, there is to be paid to the Indigenous Land Corporation, out of the Land Fund, an amount equal to the designated funding amount for the year.

Note 1: “Business day” is defined by section 192Y.

Note 2: “Designated funding amount” is defined by subsection (3).”.

Consultative forum to meet twice each financial year**No. 61—Dem 9**

Clause 3, page 32, proposed subsection 193G(1), line 21, omit “once”, substitute “twice”.

Minister to provide information**No. 62—Dem 10**

Clause 3, page 32, after proposed subsection 193G(2) insert the following subsection:

Minister to provide information

“(2A) A person who is, or is to be, a participant in a meeting convened under subsection (1) may request the Minister to provide to each participant in the meeting such information as is specified in the request. The specified information must relate to the management and/or performance of the investments of the Land Fund. The Minister must comply with the request.”.

Land Fund annual report to include information required by Parliament**No. 63—Opp 42**

Clause 3, page 33, after proposed paragraph 193I(2)(d) insert the following paragraph:

“(da) such other information as either House of the Parliament may require, such requirement to be specified in a resolution of that House;”.

Disclosure of information by officers of the ILC**No. 64—Opp 48 (as amended)**

Clause 3, page 42, proposed subsection 193S(7), lines 9 to 17, omit the subsection, substitute the following subsection:

Exception—prosecutions

“ (7) Paragraphs (3)(a), (3)(c), (5)(a) and (5)(c) do not apply to the disclosure of information, or the production of a document, if the disclosure or production, as the case requires, is for the purposes of a criminal proceeding.”.

Reviews of operations and performance of ILC**No. 65—Opp 49A (as amended)**

Clause 3, page 42, at end of proposed Part 4A add the following Division:

“ ‘Division 15—Review**Review of Part**

“ 193U.(1) The Minister must cause a review of the operation of this Part to be conducted at 3 yearly intervals after the commencement of this Part.

‘(2) A review:

- (a) is to be conducted by an independent person appointed by the Auditor-General; and
- (b) must assess:
 - (i) the extent to which the object of this Part has been achieved; and
 - (ii) the performance of the Indigenous Land Corporation in adhering to the principles set out in section 191AB; and
 - (iii) the appropriateness of the division of funding between the land acquisition functions and the land management functions of the Indigenous Land Corporation; and
 - (iv) the appropriateness of the provisions in section 192SA relating to expenditure on day-to-day administration of the Indigenous Land Corporation.

‘(3) The Minister must cause a copy of a report on a review to be laid before each House of the Parliament not later than 6 sitting days of that House after the Minister receives the report.’.”

Parliamentary Joint Committee on Native Title**No. 66—Opp 52**

Schedule, page 50, proposed amendments of the *Native Title Act 1993*, after repeal of Part 10 insert the following amendments:

“Heading to Part 12:

Omit the heading, substitute the following heading:

‘PART 12—PARLIAMENTARY JOINT COMMITTEE ON NATIVE TITLE AND THE LAND FUND’.

Subsection 204(1):

After ‘Native Title’ insert ‘and the Aboriginal and Torres Strait Islander Land Fund’.”.

No. 67—Opp 53

Schedule, page 50, proposed amendments of the *Native Title Act 1993*, amendment of subparagraph 206(d)(v), omit the amendment, substitute the following amendments:

“Paragraph 206(a):

After ‘Act’ insert ‘and Part 4A of the *Aboriginal and Torres Strait Islander Commission Act 1989*’.

Paragraph 206(c):

After 'NNTT' insert 'or by any person under Part 4A of the *Aboriginal and Torres Strait Islander Commission Act 1989*'.

Section 206:

After subparagraph 206(d)(vi) insert the following subparagraph:

'(vii) the operation of the Indigenous Land Corporation and the Aboriginal and Torres Strait Islander Land Fund established by Part 4A of the *Aboriginal and Torres Strait Islander Commission Act 1989*; and'."

Declaration of Bill as urgent Bill: Mr Beazley (Leader of the House) declared that the Bill was an urgent Bill.

Question—That the Bill be considered an urgent Bill—put and passed.

Allotment of time: Mr Beazley then moved—That the time allotted for consideration of the Senate's amendments be as follows:

Group 1 - Amendments Nos. 1 to 3 made in place of request not pressed, and further amendments Nos. 4 to 17, 23 to 27, 31 to 33, 35, 41 to 43, 45 to 48, 51 to 56, 63 and 65—until 12.30 p.m. this day.

Group 2 - Further amendments Nos. 1 to 3, 18 to 22, 28 to 30, 34, 36 to 40, 44, 49, 50, 57 to 62, 64, 66 and 67—until 1 p.m. this day.

Question—put and passed.

Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs) moved—That Senate amendments Nos. 1 to 3 made in place of request not pressed, and further amendments Nos. 4 to 17, 23 to 27, 31 to 33, 35, 41 to 43, 45 to 48, 51 to 56, 63 and 65 (Group 1), be disagreed to.

Debate ensued.

Limitation of debate: At 12.30 p.m., the Speaker having called the attention of the House to the fact that the time allotted for the consideration of the Senate amendments in Group 1 had expired—

Question—put.

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

AYES, 75

Mr Adams	Mrs Easson	Mr Humphreys	Mr O'Keefe
Mr Baldwin	Mr Elliott	Mr Jenkins	Mr Price
Mr Beazley	Mr M. J. Evans	Mr Johns	Mr Quick
Mr Beddall	Ms Fatin	Mr Keating	Mr Sawford*
Mr Bevis	Mr Ferguson	Mr Kerr	Mr Sciacca
Mr Bilney	Mr Fitzgibbon	Mr Knott	Mr L. J. Scott
Mr Brereton	Mr Free	Mr Langmore	Mr Simmons
Mr Brown	Mr Gear	Mr Latham	Mrs S. J. Smith
Mr Campbell	Mr Gibson	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gorman	Mr Lee	Mr Snow
Mr Cleeland	Mr Grace*	Mr Lindsay	Mr Snowdon
Ms Crawford	Mr Griffin	Ms McHugh	Mr Staples
Mr Crean	Mr Griffiths	Mr Mack	Mr Tanner
Mrs Crosio	Mr Haviland	Mr McLeay	Dr Theophanous
Mr Cunningham	Ms Henzell	Mr Melham	Mr Tickner
Ms Deahm	Mr Holding	Mr A. A. Morris	Mr Walker
Mr Dodd	Mr Hollis	Mr P. F. Morris	Mr Willis
Mr Duffy	Mr Horne	Mr Newell	Mr Woods
Mr Duncan	Mr Howe	Mr O'Connor	

NOES, 59

Mr Abbott	Mr Downer	Mr Lloyd	Mr Ronaldson
Mr Aldred	Mr R. D. C. Evans	Mr McArthur	Mr Ruddock
Mr Anderson	Mr Filing	Mr McGauran	Mr B. C. Scott
Mr J. N. Andrew	Mr Fischer	Mr McLachlan	Mr Sharp
Mr K. J. Andrews	Mr Forrest	Mr Miles	Mr Sinclair
Mr Atkinson	Mr Gallus	Mr Moore	Mr Slipper
Mrs Bishop	Mr Georgiou	Mrs Moylan	Mr Somlyay
Mr Bradford	Mr Hall	Mr Nehl	Mrs Sullivan
Mr Braithwaite	Mr Halverson	Mr Neville	Mr Taylor
Mr Cadman	Mr Hawker*	Mr Nugent	Mr Truss
Mr Cameron	Mr Hicks*	Mr Prosser	Mr Tuckey
Mr Charles	Mr Jull	Mr Pyne	Mr Wakelin
Mr Cobb	Mr Katter	Mr Reid	Mr Williams
Mr Connolly	Dr Kemp	Mr Reith	Ms Worth
Mr Costello	Mr Lieberman	Mr Rocher	

* Tellers

And so it was resolved in the affirmative.

Mr Tickner moved—That the Senate's further amendments Nos. 1 to 3, 18 to 22, 28 to 30, 34, 36 to 40, 44, 49, 50, 57 to 62, 64, 66 and 67 (Group 2), be agreed to.

Debate ensued.

Limitation of debate: At 1 p.m., the Speaker having called the attention of the House to the fact that the time allotted for the consideration of the Senate amendments in Group 2 had expired—

Question—put and passed.

Mr Tickner moved—That the ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994 be laid aside.

Question—put.

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

AYES, 72

Mr Adams	Mr Duncan	Mr Howe	Mr O'Keefe
Mr Baldwin	Mrs Easson	Mr Humphreys	Mr Price
Mr Beazley	Mr Elliott	Mr Jenkins	Mr Quick
Mr Beddall	Mr M. J. Evans	Mr Johns	Mr Sawford*
Mr Bevis	Ms Fatin	Mr Jones	Mr Sciacca
Mr Bilney	Mr Fitzgibbon	Mr Kerr	Mr L. J. Scott
Mr Brereton	Mr Free	Mr Knott	Mr Simmons
Mr Brown	Mr Gear	Mr Latham	Mrs S. J. Smith
Mr Campbell	Mr Gibson	Mr Lavarch	Mr S. F. Smith
Mr Chynoweth	Mr Gorman	Mr Lee	Mr Snow
Mr Cleary	Mr Grace*	Mr Lindsay	Mr Snowdon
Mr Cleeland	Mr Griffin	Ms McHugh	Mr Staples
Ms Crawford	Mr Griffiths	Mr McLeay	Mr Tanner
Mr Crean	Mr Haviland	Mr Melham	Dr Theophanous
Mrs Crosio	Ms Henzell	Mr A. A. Morris	Mr Tickner
Mr Cunningham	Mr Holding	Mr P. F. Morris	Mr Walker
Ms Deahm	Mr Hollis	Mr Newell	Mr Willis
Mr Dodd	Mr Horne	Mr O'Connor	Mr Woods

NOES, 59

Mr Abbott	Mr Downer	Mr Lloyd	Mr Ronaldson
Mr Aldred	Mr R. D. C. Evans	Mr McArthur	Mr Ruddock
Mr Anderson	Mr Filing	Mr McGauran	Mr B. C. Scott
Mr J. N. Andrew	Mr Fischer	Mr McLachlan	Mr Sharp
Mr K. J. Andrews	Mr Forrest	Mr Miles	Mr Sinclair
Mr Atkinson	Mr Gallus	Mr Moore	Mr Slipper
Mrs Bishop	Mr Georgiou	Mrs Moylan	Mr Somlyay
Mr Bradford	Mr Hall	Mr Nehl	Mrs Sullivan
Mr Braithwaite	Mr Halverson	Mr Neville	Mr Taylor
Mr Cadman	Mr Hawker*	Mr Nugent	Mr Truss
Mr Cameron	Mr Hicks*	Mr Prosser	Mr Tuckey
Mr Charles	Mr Jull	Mr Pyne	Mr Wakelin
Mr Cobb	Mr Katter	Mr Reid	Mr Williams
Mr Connolly	Dr Kemp	Mr Reith	Ms Worth
Mr Costello	Mr Lieberman	Mr Rocher	

* Tellers

And so it was resolved in the affirmative.

6 SHIPPING IN AND AROUND THE GREAT BARRIER REEF—MINISTERIAL STATEMENT

Mr Brereton (Minister for Transport), by leave, made a ministerial statement concerning shipping in and around the Great Barrier Reef.

Mr Sharp, by leave, also made a statement with reference to the matter.

7 AUSTRALIA'S OVERSEAS AID PROGRAM—MINISTERIAL STATEMENT AND PAPER

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, made a ministerial statement highlighting new directions in Australia's overseas aid program, and presented the following paper:

Australia's Development Cooperation Program—New Directions in Australia's Overseas Aid Program—Ministerial policy paper and 5th annual report, February 1995.

Mr Downer, by leave, also made a statement with reference to the matter.

8 MEMBERS' INTERESTS COMMITTEE—REPORT

Mr Grace (Chair) presented the following report:

Committee of Members' Interests—Report on the operations of the committee for 1994, 28 February 1995.

9 CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—ADVISORY REPORT—STATEMENTS BY MEMBERS

Mr S. F. Smith (Chairman) presented the following advisory report and related papers:

Corporations and Securities—Parliamentary Joint Committee—First Corporate Law Simplification Bill 1994—

Advisory report, 2 March 1995.

Evidence received by the committee.

Ordered—That the report be printed.

Mr S. F. Smith, Mrs Bishop, Mr Tanner, Mr Sinclair and Mr Moore, by leave, made statements in connection with the report.

10 TOBACCO ADVERTISING PROHIBITION AMENDMENT BILL 1995

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 having been resumed by Ms Henzell—

It being 3 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

11 QUESTIONS

Questions without notice being asked—

Paper: Mr Fischer (Leader of the National Party of Australia), in accordance with standing order 321, having called for a document quoted from by Mr Keating (Prime Minister)—

Mr Keating presented the following paper:

Current account deficit—Briefing notes.

Questions without notice continued.

Paper: Mr Keating presented the following paper:

Electoral Matters—Joint Standing Committee—Terms of reference for inquiry—Copy of letter from Mr Walker, Minister for Administrative Services, to Mr Keating, 2 March 1995.

Questions without notice continued.

Member ordered to withdraw: At 4.05 p.m. the Member for Gippsland (Mr McGauran) was ordered, under standing order 304A, to withdraw from the House for 1 hour for continuing to interject after being warned by the Chair, and he accordingly withdrew from the Chamber.

Questions without notice continued.

Suspension of standing and sessional orders—Motion of censure of the Leader of the Opposition

Mr Keating moved—That so much of the standing and sessional orders be suspended as would prevent the Prime Minister moving forthwith a motion of censure of the Leader of the Opposition.

Question—put and passed, with the concurrence of an absolute majority.

Leader of the Opposition—Resolution of censure

Mr Keating moved—That the Leader of the Opposition be censured for misleading the House with his allegations on how-to-vote arrangements in the Australian Capital Territory.

Debate ensued.

Closure: Mr Beazley (Leader of the House) moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 76

Mr Adams	Mrs Eason	Mr Humphreys	Mr O'Connor
Mr Baldwin	Mr Elliott	Mr Jenkins	Mr O'Keefe
Mr Beazley	Mr M. J. Evans	Mr Johns	Mr Price
Mr Beddall	Ms Fatin	Mr Jones	Mr Quick
Mr Bevis	Mr Ferguson	Mr Keating	Mr Sawford*
Mr Bilney	Mr Fitzgibbon	Mr Kerr	Mr Sciacca
Mr Breton	Mr Free	Mr Knott	Mr L. J. Scott
Mr Brown	Mr Gear	Mr Langmore	Mr Simmons
Mr Campbell	Mr Gibson	Mr Latham	Mrs S. J. Smith
Mr Chynoweth	Mr Gorman	Mr Lavarch	Mr S. F. Smith
Mr Cleeland	Mr Grace*	Dr Lawrence	Mr Snow
Ms Crawford	Mr Griffin	Mr Lee	Mr Snowdon
Mr Crean	Mr Griffiths	Mr Lindsay	Mr Staples
Mrs Crosio	Mr Haviland	Ms McHugh	Mr Tanner
Mr Cunningham	Ms Henzell	Mr McLeay	Dr Theophanous
Ms Deahm	Mr Holding	Mr Melham	Mr Tickner
Mr Dodd	Mr Hollis	Mr A. A. Morris	Mr Walker
Mr Duffy	Mr Horne	Mr P. F. Morris	Mr Willis
Mr Duncan	Mr Howe	Mr Newell	Mr Woods

NOES, 59

Mr Abbott	Mr Dobie	Mr Lieberman	Mr Reith
Mr Aldred	Mr Downer	Mr Lloyd	Mr Rocher
Mr Anderson	Mr R. D. C. Evans	Mr McArthur	Mr Ronaldson
Mr J. N. Andrew	Mr Filing	Mr McGauran	Mr Ruddock
Mr K. J. Andrews	Mr Forrest	Mr Mack	Mr Sinclair
Mr Atkinson	Mrs Gallus	Mr McLachlan	Mr Slipper
Mrs Bishop	Mr Georgiou	Mr Miles	Mr Somlyay
Mr Bradford	Mr Hall	Mr Moore	Mrs Sullivan
Mr Braithwaite	Mr Halverson	Mrs Moylan	Mr Taylor
Mr Cadman	Mr Hawker*	Mr Nehl	Mr Truss
Mr Cameron	Mr Hicks*	Mr Neville	Mr Tuckey
Mr Charles	Mr Howard	Mr Nugent	Mr Wakelin
Mr Cobb	Mr Jull	Mr Prosser	Mr Williams
Mr Connolly	Mr Katter	Mr Pyne	Ms Worth
Mr Costello	Dr Kemp	Mr Reid	

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

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

AYES, 77

Mr Adams	Mr Elliott	Mr Johns	Mr Price
Mr Baldwin	Mr M. J. Evans	Mr Jones	Mr Quick
Mr Beazley	Ms Fatin	Mr Keating	Mr Sawford*
Mr Beddall	Mr Ferguson	Mr Kerr	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mr Knott	Mr L. J. Scott
Mr Bilney	Mr Free	Mr Langmore	Mr Simmons
Mr Breerton	Mr Gear	Mr Latham	Mrs S. J. Smith
Mr Brown	Mr Gibson	Mr Lavarch	Mr S. F. Smith
Mr Campbell	Mr Gorman	Dr Lawrence	Mr Snow
Mr Chynoweth	Mr Grace*	Mr Lee	Mr Snowdon
Mr Cleeland	Mr Griffin	Mr Lindsay	Mr Staples
Ms Crawford	Mr Griffiths	Ms McHugh	Mr Tanner
Mr Crean	Mr Haviland	Mr Mack	Dr Theophanous
Mrs Crosio	Ms Henzell	Mr McLeay	Mr Tickner
Mr Cunningham	Mr Holding	Mr Melham	Mr Walker
Ms Deahm	Mr Hollis	Mr A. A. Morris	Mr Willis
Mr Dodd	Mr Horne	Mr P. F. Morris	Mr Woods
Mr Duffy	Mr Howe	Mr Newell	
Mr Duncan	Mr Humphreys	Mr O'Connor	
Mrs Easson	Mr Jenkins	Mr O'Keefe	

NOES, 58

Mr Abbott	Mr Dobie	Mr Lieberman	Mr Rocher
Mr Aldred	Mr Downer	Mr Lloyd	Mr Ronaldson
Mr Anderson	Mr R. D. C. Evans	Mr McArthur	Mr Ruddock
Mr J. N. Andrew	Mr Filing	Mr McGauran	Mr Sinclair
Mr K. J. Andrews	Mr Forrest	Mr McLachlan	Mr Slipper
Mr Atkinson	Mrs Gallus	Mr Miles	Mr Somlyay
Mrs Bishop	Mr Georgiou	Mr Moore	Mrs Sullivan
Mr Bradford	Mr Hall	Mrs Moylan	Mr Taylor
Mr Braithwaite	Mr Halverson	Mr Nehl	Mr Truss
Mr Cadman	Mr Hawker*	Mr Neville	Mr Tuckey
Mr Cameron	Mr Hicks*	Mr Nugent	Mr Wakelin
Mr Charles	Mr Howard	Mr Prosser	Mr Williams
Mr Cobb	Mr Jull	Mr Pyne	Ms Worth
Mr Connolly	Mr Katter	Mr Reid	
Mr Costello	Dr Kemp	Mr Reith	

* Tellers

And so it was resolved in the affirmative.

Questions without notice concluded.

12 ADJOURNMENT

It being 5.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Beazley (Leader of the House) requiring the question to be put forthwith without debate—

Question—put and passed.

And then the House, at 5.32 p.m., adjourned until Monday next at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 2 March 1995:

Higher Education Funding Act—Determinations Nos. T1-95, T2-95, T3-95, T4-95.

Public Service Act—Determinations 1995 Nos. 7, 8, 9, 22, 24, 25, 27, 28.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Beale, Mr Punch, Mr Swan and Mr Vaile.

L. M. BARLIN

Clerk of the House of Representatives

1993-94-95

HOUSE OF REPRESENTATIVES

SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 125

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 2 MARCH 1995

1 The Main Committee met at 10 a.m.

**2 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—
REPORT ON VIOLENCE IN AUSTRALIAN SCHOOLS—GOVERNMENT
RESPONSE—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the paper (*presented on 7 December 1994*), viz.:

Employment, Education and Training—Standing Committee—Report—Sticks and stones: Violence in Australian schools, March 1994—Government response—

Debate resumed.

Ordered—That Mr Sawford be granted an extension of time.

Debate continued.

Suspension of sitting: At 12.31 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 12.43 p.m., the proceedings were resumed.

Debate continued.

Suspension of sitting: At 1.01 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 1.15 p.m., the proceedings were resumed.

Debate continued.

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

3 ADJOURNMENT

On the motion of Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), the Main Committee adjourned at 1.20 p.m.

The Deputy Speaker fixed Wednesday, 8 March 1995, at 10 a.m. for the next meeting of the Main Committee.

I. C. HARRIS
Clerk of the Main Committee

Short title etc.

“1.(1) This Act may be cited as the *Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1994*.

“(2) In this Act, ‘Principal Act’ means the *Aboriginal and Torres Strait Islander Commission Act 1989*¹.”.

No land to be claimed under Native Title Act

No. 3—Opp 9 (as amended)

Clause 3, page 4, at end of proposed section 191D add the following subsection:

“(4) In performing its land acquisition functions, the Indigenous Land Corporation must search any relevant Registers of the National Native Title Tribunal to ascertain whether any claims have been lodged or accepted or determined in relation to land under consideration for acquisition.”.

Object and principles

No. 4—Opp 1 (as amended)

Clause 3, page 2, before proposed Division 1 of Part 4A insert the following Division:

“ *Division 1A—Object and principles*

Object of Part

Background

“191AA.(1) It is important to recognise that many Aboriginal persons and Torres Strait Islanders, because they have been dispossessed of their traditional lands, will be unable to assert meaningful title to those lands and that a special fund needs to be established to assist them to acquire land.

Object

“(2) Therefore, the object of this Part is to assist those dispossessed Aboriginal persons and Torres Strait Islanders to meet their economic, cultural and spiritual aspirations through the acquisition and management of land.

Giving effect to object

“(3) To give effect to that object, this Part establishes a fund, known as the Aboriginal and Torres Strait Islander Land Fund, and a corporation, known as the Indigenous Land Corporation, to facilitate the acquisition and management of land for those Aboriginal persons and Torres Strait Islanders.

Principles to be adhered to

‘191AB. In the performance of functions and the exercise of powers under this Part, the following principles are to be adhered to:

- (a) the functions and powers must be performed and exercised in the way that, in the opinion of the person performing or exercising them, best promotes the object of this Part;
- (b) if a conflict arises as to the allocation of the resources of the Fund, priority is to be given to those who suffer most disadvantage in relation to access to land or who are unable to gain substantive title to land;
- (c) community based Aboriginal and Torres Strait Islander land bodies should be recognised and used to the fullest extent;
- (d) significant regard must be had to the views of those bodies;

- (e) administrative costs should be kept to a minimum and duplication of administrative capability should be avoided.”.

No. 5—Opp 2 (as amended)

Clause 3, page 3, at end of proposed section 191B add “in furtherance of the object of this Part”.

Grants to individuals and trustees

No. 6—Opp 4

Clause 3, page 3, proposed subsection 191D(1), lines 19 to 31, omit the subsection, substitute the following subsection:

Functions

“ ‘191D.(1) The **land acquisition functions** of the Indigenous Land Corporation are as follows:

- (a) to grant interests in land to:
- (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;
- (b) to acquire by agreement interests in land for the purpose of making grants under paragraph (a);
- (c) to make grants of money to:
- (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;
- for the acquisition of interests in land;
- (d) to guarantee loans made to:
- (i) Aboriginal or Torres Strait Islander corporations; or
 - (ii) Aboriginal persons; or
 - (iii) Torres Strait Islanders; or
 - (iv) trustees of Aboriginal or Torres Strait Islander trusts;

for the purpose of the acquisition of interests in land.

Note 1 : “Interest in land” is defined by section 4.

Note 2 : “Aboriginal or Torres Strait Islander corporation” is defined by section 4.

Note 3 : “Aboriginal or Torres Strait Islander trust” is defined by section 4.”.

No. 7—Opp 8

Clause 3, page 4, proposed paragraph 191D(3)(b), lines 11 to 14, omit the paragraph, substitute the following paragraph:

- “(b) in a case where the Indigenous Land Corporation acquires an interest in land for the purpose of making a grant of the interest to:
- (i) an Aboriginal or Torres Strait Islander corporation; or
 - (ii) an Aboriginal person; or

(iii) a Torres Strait Islander; or
(iv) a trustee of an Aboriginal or Torres Strait Islander trust;
that grant being made within a reasonable time after that acquisition.”.

No. 8—Opp 15

Clause 3, page 9, proposed paragraph 191J(1)(b), lines 28 to 32, omit the paragraph, substitute the following paragraph:

“(b) the Indigenous Land Corporation or the subsidiary, as the case requires, considers that it no longer needs to hold the interest for the purpose of making a grant of the interest to:

- (i) an Aboriginal or Torres Strait Islander corporation; or
- (ii) an Aboriginal person; or
- (iii) a Torres Strait Islander; or
- (iv) a trustee of an Aboriginal or Torres Strait Islander trust;

within a reasonable time after that acquisition.”.

No. 9—Opp 16

Clause 3, page 10, proposed paragraph 191N(2)(a), lines 29 and 30, omit the paragraph, substitute the following paragraph:

“(a) the acquisition of interests in land for the purpose of making grants of those interests to:

- (i) Aboriginal or Torres Strait Islander corporations; or
- (ii) Aboriginal persons; or
- (iii) Torres Strait Islanders; or
- (iv) trustees of Aboriginal or Torres Strait Islander trusts;”.

No. 10—Opp 21

Clause 3, page 11, proposed paragraph 191P(4)(a), lines 31 to 33, omit the paragraph, substitute the following paragraph:

“(a) the acquisition of interests in land in the regional area for the purpose of making grants of those interests to:

- (i) Aboriginal or Torres Strait Islander corporations; or
- (ii) Aboriginal persons; or
- (iii) Torres Strait Islanders; or
- (iv) trustees of Aboriginal or Torres Strait Islander trusts;”.

No. 11—Opp 26

Clause 3, pages 12 and 13, proposed section 191S, line 33 (page 12) to line 33 (page 13), omit “body corporate” (wherever occurring), substitute “person”.

No. 12—Opp 28

Clause 3, pages 13 and 14, proposed section 191T, line 34 (page 13) to line 21 (page 14), omit “body corporate” (wherever occurring), substitute “person”.

No. 13—Opp 29

Clause 3, pages 14 and 15, proposed section 191U, line 22 (page 14) to line 4 (page 15), omit “body corporate” (wherever occurring), substitute “person”.

No. 14—Opp 43

Clause 3, page 38, proposed paragraph 193R(1)(g), line 36, omit “body corporate”, substitute “person”.

No. 15—Opp 44

Clause 3, page 39, proposed paragraph 193R(1)(i), line 2, omit “body corporate”, substitute “person”.

No. 16—Opp 45

Clause 3, page 39, proposed paragraph 193R(1)(i), line 3, omit “body corporate”, substitute “another person”.

No. 17—Opp 50 (as amended)

Clause 5, page 43, after proposed definition of “**Aboriginal or Torres Strait Islander corporation**” insert the following definition:

“ ‘**Aboriginal or Torres Strait Islander trust**’ means a trust:

- (a) in which a majority of the beneficial interests are held by:
 - (i) Aboriginal persons; or
 - (ii) Torres Strait Islanders; or
 - (iii) an Aboriginal or Torres Strait Islander corporation; or
 - (iv) a combination of those persons; and
- (b) where details of the ownership of the other beneficial interests have been provided to the Indigenous Land Corporation;”.

Terms and conditions for grants, guarantees and loans**No. 18—Opp 5A**

Clause 3, page 3, proposed subsection 191D(2), lines 32 to 34, omit the subsection, substitute the following subsections:

Grants—terms and conditions

“ (2) The Indigenous Land Corporation may make a grant of money on terms and conditions that must relate to:

- (a) the purposes for which the money may be spent; or
- (b) the period within which the money is to be spent; or
- (c) the acquittal of money spent; or
- (d) the giving of information in relation to the grant.

If the grant becomes repayable because of a breach of such a term or condition, the Indigenous Land Corporation must take all reasonable steps to recover the repayment.

Guarantees—terms and conditions

“ (2A) A guarantee is subject to such terms and conditions as the Indigenous Land Corporation determines.”.

No. 19—Opp 57

Clause 3, page 4, proposed subsection 191E(2), lines 37 to 39, omit the subsection, substitute the following subsections:

Grants—terms and conditions

“ (2) The Indigenous Land Corporation may make a grant of money on terms and conditions that must relate to:

- (a) the purposes for which the money may be spent; or
- (b) the period within which the money is to be spent; or

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Mr Adams	Mr Elliott	Mr Johns	Mr Price
Mr Baldwin	Mr M. J. Evans	Mr Jones	Mr Quick
Mr Beazley	Ms Fatin	Mr Keating	Mr Sawford*
Mr Beddall	Mr Ferguson	Mr Kerr	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mr Knott	Mr L. J. Scott
Mr Bilney	Mr Free	Mr Langmore	Mr Simmons
Mr Brereton	Mr Gear	Mr Latham	Mrs S. J. Smith
Mr Brown	Mr Gibson	Mr Lavarch	Mr S. F. Smith
Mr Campbell	Mr Gorman	Dr Lawrence	Mr Snow
Mr Chynoweth	Mr Grace*	Mr Lee	Mr Snowdon
Mr Cleeland	Mr Griffin	Mr Lindsay	Mr Staples
Ms Crawford	Mr Griffiths	Ms McHugh	Mr Tanner
Mr Crean	Mr Haviland	Mr Mack	Dr Theophanous
Mrs Crosio	Ms Henzell	Mr McLeay	Mr Tickner
Mr Cunningham	Mr Holding	Mr Melham	Mr Walker
Ms Deahm	Mr Hollis	Mr A. A. Morris	Mr Willis
Mr Dodd	Mr Horne	Mr P. F. Morris	Mr Woods
Mr Duffy	Mr Howe	Mr Newell	
Mr Duncan	Mr Humphreys	Mr O'Connor	
Mrs Easson	Mr Jenkins	Mr O'Keefe	

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Mr Abbott	Mr Dobie	Mr Lieberman	Mr Rocher
Mr Aldred	Mr Downer	Mr Lloyd	Mr Ronaldson
Mr Anderson	Mr R. D. C. Evans	Mr McArthur	Mr Ruddock
Mr J. N. Andrew	Mr Filing	Mr McGauran	Mr Sinclair
Mr K. J. Andrews	Mr Forrest	Mr McLachlan	Mr Slipper
Mr Atkinson	Mrs Gallus	Mr Miles	Mr Somlyay
Mrs Bishop	Mr Georgiou	Mr Moore	Mrs Sullivan
Mr Bradford	Mr Hall	Mrs Moylan	Mr Taylor
Mr Braithwaite	Mr Halverson	Mr Nehl	Mr Truss
Mr Cadman	Mr Hawker*	Mr Neville	Mr Tuckey
Mr Cameron	Mr Hicks*	Mr Nugent	Mr Wakelin
Mr Charles	Mr Howard	Mr Prosser	Mr Williams
Mr Cobb	Mr Jull	Mr Pyne	Ms Worth
Mr Connolly	Mr Katter	Mr Reid	
Mr Costello	Dr Kemp	Mr Reith	

* Tellers

And so it was resolved in the affirmative.

Questions without notice concluded.

12 ADJOURNMENT

It being 5.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Beazley (Leader of the House) requiring the question to be put forthwith without debate—

Question—put and passed.

And then the House, at 5.32 p.m., adjourned until Monday next at 12.30 p.m.

PAPERS

The following papers were deemed to have been presented on 2 March 1995:

Higher Education Funding Act—Determinations Nos. T1-95, T2-95, T3-95, T4-95.

Public Service Act—Determinations 1995 Nos. 7, 8, 9, 22, 24, 25, 27, 28.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Beale, Mr Punch, Mr Swan and Mr Vaile.

L. M. BARLIN

Clerk of the House of Representatives

1993-94-95

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 125

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 2 MARCH 1995

- 1 The Main Committee met at 10 a.m.
- 2 **EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—REPORT ON VIOLENCE IN AUSTRALIAN SCHOOLS—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the paper (*presented on 7 December 1994*), viz.:

Employment, Education and Training—Standing Committee—Report—Sticks and stones: Violence in Australian schools, March 1994—Government response—

Debate resumed.

Ordered—That Mr Sawford be granted an extension of time.

Debate continued.

Suspension of sitting: At 12.31 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 12.43 p.m., the proceedings were resumed.

Debate continued.

Suspension of sitting: At 1.01 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 1.15 p.m., the proceedings were resumed.

Debate continued.

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

3 ADJOURNMENT

On the motion of Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), the Main Committee adjourned at 1.20 p.m.

The Deputy Speaker fixed Wednesday, 8 March 1995, at 10 a.m. for the next meeting of the Main Committee.

I. C. HARRIS
Clerk of the Main Committee