

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 82

WEDNESDAY, 26 MARCH 1997

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

2 CONSTITUTIONAL CONVENTION (ELECTION) BILL 1997

Mr Howard (Prime Minister), pursuant to notice, presented a Bill for an Act to provide for the election of delegates to the Constitutional Convention, and for related purposes.

Bill read a first time.

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

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

Debate adjourned (Mr Beazley—Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

3 NATIONAL RESIDUE SURVEY (RATITE SLAUGHTER) LEVY BILL 1997

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to impose levy on the slaughter of ratites, and for purposes dealing with the imposition of the levy.

Bill read a first time.

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

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

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

4 PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1997

Mr Anderson (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend the law relating to primary industries and energy, and for related purposes.

Bill read a first time.

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

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

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

5 INDUSTRY, SCIENCE AND TOURISM LEGISLATION AMENDMENT BILL 1997

Mr Moore (Minister for Industry, Science and Tourism), pursuant to notice, presented a Bill for an Act to amend various Acts relating to matters dealt with by the Department of Industry, Science and Tourism, and for other purposes.

Bill read a first time.

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

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

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

6 CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 1997

Mr Williams (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1914*, and for related purposes.

Bill read a first time.

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

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

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

7 LAW AND JUSTICE LEGISLATION AMENDMENT BILL 1997—SENATE'S AMENDMENTS

The order of the day having been read for the consideration of the amendments made by the Senate, viz.:

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 2, page 2 (after line 7), at the end of the clause, add:
 - (5) Schedule 17 commences immediately after the commencement of item 75 of Schedule 16 to the *Workplace Relations and Other Legislation Amendment Act 1996*.
- (2) Schedule 13, item 8, page 30 (lines 18 to 27), omit subsection (2A), substitute:
 - (2A) For the purposes of subsection (1), the maximum permissible period for the keeping of personal information of the kind referred to in paragraph 18E(1)(ba) is the period of 5 years beginning on the day when the credit reporting agency is informed of the overdue payment concerned.
- (3) Page 39 (after line 20), at the end of the bill, add:

Schedule 17—Amendment of the Workplace Relations and Other Legislation Amendment Act 1996

1 Subparagraph 75(1)(b)(ii) of Schedule 16

Omit “Registrar of the Administrative Appeals Tribunal”, substitute “Industrial Registrar of the Australian Industrial Relations Commission”—

On the motion of Mr Williams (Attorney-General and Minister for Justice), the amendments were agreed to, after debate.

8 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS BILL 1996

The following message from the Senate was reported:

Message No. 179

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act about telecommunications, 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.

MARGARET REID

President

The Senate

24 March 1997

Constitutional significance of Senate amendments—Statement by Second Deputy Speaker

The Second Deputy Speaker made the following statement:

My attention has been drawn to three of the Senate’s amendments to this Bill. The amendments in question are Nos. 69, 76 and 77.

As I understand it these amendments would permit further areas to be identified in the scheme as “net cost areas”. I am advised that as the scheme will work it will be possible for a service provider who incurs a loss on certain services in such areas to be reimbursed from the universal service reserve.

The question therefore arises as to whether these three amendments are in fact available to the Senate because of the restriction imposed by the third paragraph of section 53 of the Constitution which provides that the Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

As I understand the amendments it is possible that in practice they could result in additional payments being made from the proposed universal service reserve.

The House may however take the view that the connection between the amendments and expenditure from the Consolidated Revenue Fund is somewhat uncertain and that in these circumstances it might be appropriate for the House not to object to the fact that the alterations have been made as amendments rather than as requests.

Mr W. L. Smith (Minister representing the Minister for Communications and the Arts) also referred to the matter.

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 3, page 3 (after line 3), after paragraph (a), insert:
 - (aa) to provide a framework under which a carriage service that provides digital data capability comparable to an ISDN channel is to become available to all people in Australia:
 - (i) by 1 January 2000; or
 - (ii) by another date having regard to the findings of the review into the timing of the availability of that service;
- (2) Clause 3, page 3 (after line 28), at the end of subclause (2), add:
 - ; (h) to promote the placement of lines underground, taking into account economic and technical issues, where placing such lines underground is supported by the affected community.
- (3) Clause 5, page 6 (lines 11 and 12), omit “service providers”, substitute “carriage service providers”.
- (4) Clause 6, page 11 (table item 25), omit “service providers”, substitute “carriage service providers”.
- (5) Clause 7, page 12 (after line 27), after the definition of *ACCC's telecommunications functions and powers*, insert:

access, in relation to an emergency call service, has a meaning affected by section 18.
- (6) Clause 7, page 15 (lines 20 and 21), omit the definition of *direct access*.
- (7) Clause 7, page 16 (line 25) to page 17 (line 4), omit the definition of *emergency call service*, substitute:

emergency call service means a service for:

 - (a) receiving and handling calls to an emergency service number; and
 - (b) transferring such calls to:
 - (i) a police force or service; or
 - (ii) a fire service; or
 - (iii) an ambulance service; or
 - (iv) a service specified in the numbering plan for the purposes of this subparagraph; or

- (v) a service for despatching a force or service referred to in subparagraph (i), (ii), (iii) or (iv).

For the purposes of paragraph (b), *transferring* a call includes giving information in relation to the call for purposes connected with dealing with the matter or matters raised by the call.

- (8) Clause 7, page 18 (after line 18), after the definition of *member*, insert:
National Relay Service means the service operated by the Australian Communication Exchange from 30 May 1995 for the purpose of facilitating the transfer of messages between text telephone users and voice telephone users.
- (9) Clause 7, page 18 (line 21), omit “172”, substitute “172 or 172B”.
- (10) Clause 18, page 28 (lines 14 to 18), omit the clause, substitute:

18 Access to an emergency call service

For the purposes of this Act, a person is taken not to have *access* to an emergency call service unless, in the event that the person attempts to place a call to the relevant emergency service number, the call can be established and maintained.

- (11) Clause 22, page 31 (lines 18 to 22), omit paragraph (a), substitute:
 - (a) in a case where a telecommunications network is used to supply a carriage service to an end-user in a building by means of a line that enters the building—the point agreed between the customer and the carrier or carriage service provider who operates the telecommunications network, or, failing agreement:
 - (i) if there is a main distribution frame in the building and the line is connected to the frame—the side of the frame nearest to the end-user; or
 - (ii) if subparagraph (i) does not apply but the line is connected to a network termination device located in, on or within close proximity to, the building—the side of the device nearest to the end-user; or
 - (iii) if neither subparagraph (i) nor (ii) applies but the line is connected to one or more sockets in the building—the side nearest to the end-user of the first socket after the building entry point; or
- (12) Clause 22, page 31 (after line 34), after subclause (4), insert:
 - (4A) If, immediately before 1 July 1997, the boundary of a telecommunications network used to supply a standard telephone service to an end-user in a building by means of a line that enters the building is the side of a main distribution frame, or a telephone socket, nearest to the end-user, paragraph (4)(a) has effect, on and after 1 July 1997, as if the customer and the carrier or carriage

service provider who operates the network had agreed to the boundary at that point.

- (4B) Subsection (4A) does not prevent the customer and the carrier or carriage service provider agreeing to a boundary at a different point.
- (13) Clause 23, page 33 (after line 27), after subparagraph (i), insert:
- (ia) the Commonwealth;
- (14) Clause 23, page 34 (lines 1 to 4), omit subparagraph (vii), substitute:
- (vii) another authority or institution of the Commonwealth (other than an authority or institution that carries on a business as a core function) and a constituent member or an employee of the other authority or institution;
- (15) Clause 23, page 34 (after line 13), after subparagraph (i), insert:
- (ia) the State;
- (16) Clause 23, page 34 (lines 20 to 23), omit subparagraph (vi), substitute:
- (vi) another authority or institution of the State (other than an authority or institution that carries on a business as a core function) and a constituent member or an employee of the other authority or institution;
- (17) Clause 23, page 34 (after line 32), after subparagraph (i), insert:
- (ia) the Territory;
- (18) Clause 23, page 35 (lines 6 to 9), omit subparagraph (vi), substitute:
- (vi) another authority or institution of the Territory (other than an authority or institution that carries on a business as a core function) and a constituent member or an employee of the other authority or institution;
- (19) Clause 23, page 35 (after line 13), after paragraph (1), insert:
- (1a) if the person is a tertiary education institution:
 - (i) a member of the governing body of the tertiary education institution;
 - (ii) an officer or employee of the tertiary education institution;
 - (iii) a student of the tertiary education institution;
- (20) Clause 23, page 35 (after line 16), after subclause (2), insert:
- (2A) A determination under subsection (2) may be unconditional or subject to such conditions (if any) as are specified in the determination.
- (2B) Paragraphs (1)(a) to (1a) (inclusive) do not, by implication, limit subsections (2) and (2A).
- (2C) The Minister may make a written determination providing that a specified authority or specified institution is taken to carry on a business as a core function for the purposes of subsection (1).

- (2D) The Minister may make a written determination providing that a specified authority or specified institution is taken not to carry on a business as a core function for the purposes of subsection (1).
- (21) Clause 23, page 35 (line 17), omit “The determination”, substitute “A determination under subsection (2), (2C) or (2D)”.
- (22) Clause 23, page 35 (line 18), omit “subsection (2)”, substitute “subsection (2), (2C) or (2D)”.
- (23) Clause 23, page 36 (after line 8), after the definition of *officer*, insert:
tertiary education institution means:
 (a) a higher education institution (within the meaning of the *Student and Youth Assistance Act 1973*); or
 (b) a technical and further education institution (within the meaning of that Act).
- (24) Clause 25, page 37 (line 6), omit “Division”, substitute “Part”.
- (25) Clause 34, page 45 (after line 13), after paragraph (a), insert:
 (aa) the base station is not an exempt base station (as defined by subsection (1A)); and
- (26) Clause 34, page 45 (after line 28), after subclause (1), insert:
 (1A) For the purposes of paragraph (1)(aa), a base station is an **exempt base station** if the sole use of the base station is use by a broadcaster to:
 (a) supply broadcasting services to the public; or
 (b) supply a secondary carriage service by means of the main carrier signal of a primary broadcasting service;
 or both.
- (27) Clause 34, page 45 (line 31) to page 46 (line 3), omit paragraph (2)(a).
- (28) Clause 42, page 53 (after line 3), at the end of subclause (5), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (29) Clause 47, page 56 (line 15) to page 57 (line 9), omit subclauses (1) and (2), substitute:
 (1) Section 42 does not apply to a network unit if the sole use of the unit is use by Airservices Australia to carry communications necessary or desirable for the workings of aviation services.
 (2) Section 42 does not apply to a network unit if the sole use of the unit is use by the Australian National Railways Commission to carry communications necessary or desirable for the workings of train services.
 (2A) Section 42 does not apply to a network unit if the sole use of the unit is use by a State or Territory transport authority to carry communications necessary or desirable for the workings of any or all of the following services:

- (a) train services of a kind provided by the authority;
 - (b) bus or other road services of a kind provided by the authority;
 - (c) tram services of a kind provided by the authority.
- (2B) Section 42 does not apply to a network unit if the sole use of the unit is use by a rail corporation to carry communications necessary or desirable for the workings of train services.
- (2C) Section 42 does not apply to a network unit if:
 - (a) the principal use of the unit is use by Airservices Australia to carry communications necessary or desirable for the workings of aviation services; and
 - (b) the remaining use of the unit is use by one or more carriers, or by one or more exempt network-users, to supply carriage services and/or content services.
- (2D) Section 42 does not apply to a network unit if:
 - (a) the principal use of the unit is use by the Australian National Railways Commission to carry communications necessary or desirable for the workings of train services; and
 - (b) the remaining use of the unit is use by one or more carriers, or by one or more exempt network-users, to supply carriage services and/or content services.
- (2E) Section 42 does not apply to a network unit if:
 - (a) the principal use of the unit is use by a State or Territory transport authority to carry communications necessary or desirable for the workings of any or all of the following services:
 - (i) train services of a kind provided by the authority;
 - (ii) bus or other road services of a kind provided by the authority;
 - (iii) tram services of a kind provided by the authority; and
 - (b) the remaining use of the unit is use by one or more carriers, or by one or more exempt network-users, to supply carriage services and/or content services.
- (2F) Section 42 does not apply to a network unit if:
 - (a) the principal use of the unit is use by a rail corporation to carry communications necessary or desirable for the workings of train services; and
 - (b) the remaining use of the unit is use by one or more carriers, or by one or more exempt network-users, to supply carriage services and/or content services.
- (30) Clause 48, page 57 (line 16) to page 58 (line 15), omit subclauses (1) and (2), substitute:

(1) If:

- (a) the sole use of a network unit is use to carry communications that are necessary or desirable for either or both of the following purposes:
 - (i) the supply of broadcasting services to the public;
 - (ii) the supply of a secondary carriage service by means of the main carrier signal of a primary broadcasting service; and
- (b) the unit does not consist of, or include, a facility used to carry communications between:
 - (i) the head end of a cable transmission system; and
 - (ii) the equipment used by an end-user to receive a broadcasting service; and
- (c) the unit does not consist of a broadcasting transmitter transmitting a signal of a broadcasting service to its intended audience;

section 42 does not apply to the unit.

(2) If:

- (a) the principal use of a network unit is use to carry communications that are necessary or desirable for either or both of the following purposes:
 - (i) the supply of broadcasting services to the public;
 - (ii) the supply of a secondary carriage service by means of the main carrier signal of a primary broadcasting service; and
- (b) the unit does not consist of, or include, a facility used to carry communications between:
 - (i) the head end of a cable transmission system; and
 - (ii) the equipment used by an end-user to receive a broadcasting service; and
- (c) the unit does not consist of a broadcasting transmitter transmitting a signal of a broadcasting service to its intended audience; and
- (d) the remaining use of the unit is use by one or more carriers, or by one or more exempt network-users, to supply carriage services and/or content services;

section 42 does not apply to the unit.

Note: The heading to clause 48 (page 57, line 15) is altered by omitting “**broadcasters**” and substituting “**broadcasting services**”.

- (31) Clause 48, page 58 (line 29) to page 59 (line 4), omit the definition of **broadcaster**.

(32) Page 71 (after line 7), after clause 65, insert:

65A Conditions about Telstra's ISDN obligations

- (1) The Minister must ensure that Telstra's carrier licence is subject to one or more conditions directed towards achieving:
 - (a) the result that, by 1 July 1997, Telstra is in a position to make available, to at least 93.4% of the Australian population, a carriage service that provides a digital data capability broadly comparable to that provided by a data channel with a data transmission speed of 64 kilobits per second supplied to end-users as part of the designated basic rate ISDN service; and
 - (b) the result that, by 31 December 1998, Telstra is in a position to make available, to at least 96% of the Australian population, a carriage service that provides a digital data capability broadly comparable to that provided by a data channel with a data transmission speed of 64 kilobits per second supplied to end-users as part of the designated basic rate ISDN service.
- (2) For the purposes of this section, if:
 - (a) immediately before 1 July 1997, Telstra supplied a basic rate Integrated Services Digital Network (ISDN) service; and
 - (b) the service complied with any of the standards for ISDN services made by the European Telecommunications Standards Institute (ETSI);
 the service is a *designated basic rate ISDN service*.
- (3) For the purposes of this section, the determination of the comparability of the digital data capability of a carriage service is to be based solely on a comparison of the data transmission speed available to an end-user of the service.
- (4) This section does not, by implication, limit the application of section 63 to Telstra.

(33) Clause 66, page 71 (after line 12), at the end of the clause, add:

- (2) A condition of a carrier licence held by a carrier may remove or restrict a right or privilege that the carrier would otherwise have under a provision of this Act (whether or not in the carrier's capacity as a carrier).

Note: The heading to clause 66 (page 71, lines 8 and 9) is replaced by the heading "**Carrier licence conditions—special provisions**".

(34) Clause 86, page 85 (line 26), omit subparagraph (ii), substitute:

- (ii) paragraph 47(2C)(b);
- (iia) paragraph 47(2D)(b);
- (iib) paragraph 47(2E)(b);
- (iic) paragraph 47(2F)(b);

- (35) Clause 86, page 85 (line 27), omit “48(2)(b)”, substitute “48(2)(d)”.
- (36) Clause 91, page 89 (line 24) to page 90 (line 4), omit subclause (1), substitute:
- (1) Subsections 86(1) and (2) do not apply to a carriage service if the sole or principal use of the carriage service is use by Airservices Australia to carry communications necessary or desirable for the workings of aviation services.
 - (1A) Subsections 86(1) and (2) do not apply to a carriage service if the sole or principal use of the carriage service is use by the Australian National Railways Commission to carry communications necessary or desirable for the workings of train services.
 - (1B) Subsections 86(1) and (2) do not apply to a carriage service if the sole or principal use of the unit is use by a State or Territory transport authority to carry communications necessary or desirable for the workings of the following services:
 - (a) train services of a kind provided by the authority;
 - (b) bus or other road services of a kind provided by the authority;
 - (c) tram services of a kind provided by the authority.
 - (1C) Subsections 86(1) and (2) do not apply to a carriage service if the sole or principal use of the carriage service is use by a rail corporation to carry communications necessary or desirable for the workings of train services.
- (37) Clause 92, page 90 (lines 11 to 23), omit subclause (1), substitute:
- (1) If:
 - (a) the sole or principal use of a carriage service is use to carry communications that are necessary or desirable for either or both of the following purposes:
 - (i) the supply of broadcasting services to the public;
 - (ii) the supply of a secondary carriage service by means of the main carrier signal of a primary broadcasting service; and
 - (b) those communications are neither:
 - (i) communications carried between the head end of a cable transmission system and the equipment used by an end-user to receive a broadcasting service; nor
 - (ii) communications carried from a broadcasting transmitter transmitting a signal of a broadcasting service to its intended audience;
- subsections 86(1) and (2) do not apply to the carriage service.

Note: The heading to clause 92 (page 90, line 10) is altered by omitting “**broadcasters**” and substituting “**broadcasting services**”.

- (38) Clause 92, page 90 (line 29) to page 91 (line 5), omit the definition of *broadcaster*.
- (39) Heading to Part 5, page 99 (line 3), omit “**service providers**”, substitute “**carriage service providers**”.
- (40) Clause 103, page 99 (line 9), omit “service providers”, substitute “carriage service providers”.
- (41) Clause 104, page 99 (line 14), omit “service providers”, substitute “carriage service providers”.
- (42) Clause 104, page 99 (line 25), omit “service providers”, substitute “carriage service providers”.
- (43) Clause 104, page 100 (line 9), omit “service providers”, substitute “carriage service providers”.
- (44) Clause 104, page 100 (line 19), omit “service providers”, substitute “carriage service providers”.
- (45) Clause 104, page 100 (after line 23), after subclause (4), insert:
- (4A) The ACA must monitor, and report each financial year to the Minister on, the progress made by carriers and carriage service providers towards making a carriage service that provides digital data capability comparable to an ISDN channel available to all people in Australia.
- (46) Clause 104, page 100 (line 24), omit “or (4)”, substitute “, (4) or (4A)”.
- (47) Clause 104, page 100 (lines 27 and 28), omit “or (4)”, substitute “, (4) or (4A)”.
- (48) Clause 111, page 106 (line 26), omit paragraph (d), substitute:
- (d) the public interest, including the public interest in the efficient, equitable and ecologically sustainable supply of:
- (i) carriage services; and
- (ii) goods for use in connection with carriage services; and
- (iii) services for use in connection with carriage services;
- in a manner that reflects the legitimate expectations of the Australian community.
- (49) Clause 112, page 107 (line 24), at the end of subparagraph (iv), add “and”.
- (50) Clause 112, page 107 (after line 24), at the end of paragraph (f), add:
- (v) the provision of directory products and services;
- (51) Clause 112, page 108 (line 1), after “22(2)(d) or (e)”, insert “or (4)(a)”.
- (52) Clause 114, page 109 (line 3), omit “However, the”, substitute “The”.
- (53) Clause 114, page 109 (after line 21), at the end of the clause, add:

- (3) The rule in subsection (1) does not apply to an industry code or an industry standard to the extent (if any) to which the code or standard deals with a matter referred to in paragraph 112(3)(f).

(54) Page 109 (after line 21), at the end of Division 3, add:

114A Industry codes and industry standards not to deal with matters dealt with by codes and standards under Part 9 of the Broadcasting Services Act

For the purposes of this Part, an industry code or an industry standard that deals with a matter relating to a content service has no effect to the extent (if any) to which the matter is dealt with by a code registered, or standard determined, under Part 9 of the *Broadcasting Services Act 1992*.

(55) Clause 115, page 111 (line 8), omit paragraph (g), substitute:

- (g) the ACA is satisfied that the ACCC has been consulted about the development of the code; and

(56) Clause 115, page 111 (after line 11), after paragraph (h), insert:

- (ha) the ACA is satisfied that at least one body or association that represents the interests of consumers has been consulted about the development of the code; and

(57) Clause 116, page 112 (line 6), omit “90 days”, substitute “120 days”.

(58) Clause 116, page 112 (after line 16), after subclause (3), insert:

(3A) The ACA must not make a request under subsection (1) in relation to a code if:

- (a) the code would deal with a matter referred to in paragraph 112(3)(f) (which relates to privacy); and
- (b) compliance with the code would be likely to have the effect (whether direct or indirect) of requiring customer equipment, customer cabling, a telecommunications network or a facility:
- (i) to have particular design features; or
- (ii) to meet particular performance requirements.

However, this rule does not apply if the ACA is satisfied that the benefits to the community from the operation of the code would outweigh the costs of compliance with the code.

(59) Clause 116, page 112 (line 23), omit “30 days”, substitute “60 days”.

(60) Page 118 (after line 14), after clause 123, insert:

123A Industry standards not to be determined for certain privacy matters

The ACA must not determine an industry standard if:

- (a) the standard would deal with a matter referred to in paragraph 112(3)(f) (which relates to privacy); and

- (b) compliance with the standard would be likely to have the effect (whether direct or indirect) of requiring customer equipment, customer cabling, a telecommunications network or a facility:
 - (i) to have particular design features; or
 - (ii) to meet particular performance requirements.

However, this rule does not apply if the ACA is satisfied that the benefits to the community from the operation of the standard would outweigh the costs of compliance with the standard.

- (61) Clause 129, page 120 (lines 13 and 14), omit “copies of the draft will be available for inspection and purchase by”, substitute “free copies of the draft will be made available to”.
- (62) Clause 129, page 120 (lines 15 and 16), omit “the period of 90 days after the publication of the notice”, substitute “the period specified in the notice”.
- (63) Clause 129, page 120 (line 18), omit “for inspection and purchase”.
- (64) Clause 129, page 120 (lines 20 and 21), omit “90 days after the publication of the notice”, substitute “the period specified under subparagraph (ii)”.
- (65) Clause 129, page 120 (lines 22 and 23), omit “for inspection and purchase”.
- (66) Clause 129, page 120 (after line 23), after subclause (1), insert:
 - (1A) The period specified under subparagraph (1)(a)(ii) must run for at least 30 days after the publication of the notice.
- (67) Page 121 (after line 17), at the end of Division 5, add:

131A Consultation with consumer body

- (1) Before determining or varying an industry standard, the ACA must consult at least one body or association that represents the interests of consumers.
- (2) Before revoking an industry standard under subsection 128(1), the ACA must consult at least one body or association that represents the interests of consumers.
- (68) Clause 137, page 125 (after line 22), at the end of the clause, add:
 - (2) Before 30 September 1998, the Minister must cause to be conducted a review to determine whether a carriage service that provides a digital data capability broadly comparable to that provided by a data channel with a data transmission speed of 64 kilobits per second supplied to end-users as part of the designated basic rate ISDN service should be specified, on and after 31 December 1998, in regulations made for the purposes of subsection (1).
 - (3) The review is to deal with the question whether the benefits to the community resulting from so specifying that carriage service would

outweigh the costs to the community from so specifying that carriage service.

(4) If:

- (a) a carrier makes a submission to the review; and
- (b) the submission includes a claim that the costs to the community resulting from so specifying that carriage service would outweigh the benefits to the community from so specifying that carriage service;

the review is to include an examination of whether there is sufficient evidence to substantiate the claim.

- (5) For the purposes of this section, the determination of the comparability of the digital data capability of a carriage service is to be based solely on a comparison of the data transmission speed available to an end-user of the service.
- (6) The Minister must cause to be prepared a report of the review.
- (7) The Minister must cause copies of the report to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.
- (8) In this section:

designated basic rate ISDN service has the same meaning as in section 65A.

(69) Clause 138, page 126 (after line 16), at the end of the clause, add:

(2) A reference in this Part to the *supply* of a standard telephone service includes a reference to the supply, to a person with a disability, of:

- (a) customer equipment of a kind specified in the regulations; and
- (b) other goods of a kind specified in the regulations; and
- (c) services of a kind specified in the regulations;

where the equipment, goods or services, as the case may be, are for use in connection with the standard telephone service.

(3) In this section:

disability has the same meaning as in the *Disability Discrimination Act 1992*.

(70) Page 126 (after line 16), after clause 138, insert:

138A Supply of services similar to the National Relay Service to be treated as the supply of standard telephone services

(1) A reference in this Part to the *supply* of a standard telephone service includes a reference to the supply of a service that is:

- (a) specified in the regulations; and
- (b) similar in scope and purpose to the National Relay Service; and

- (c) intended to facilitate personal communication by persons with hearing and/or speech impairments; and
 - (d) for use in connection with the standard telephone service.
- (2) The Minister must take all reasonable steps to ensure that, at all times on and after 30 June 1998, regulations are in force for the purposes of paragraph (1)(a).
- (71) Clause 144, page 128 (line 30), after “paragraph”, insert “, including:
- (a) criteria for determining the locations of payphones; and
 - (b) the process for public consultation on the location of payphones; and
 - (c) the process for resolution of any complaints about the location of payphones.”.
- (72) Clause 144, page 129 (after line 2), at the end of the clause, add:
- (8) An obligation does not arise under paragraph (2)(a) in relation to particular equipment, goods or services the supply of which is treated under section 138 as the supply of a standard telephone service if the customer concerned requests not to be supplied with the equipment, goods or services.
 - (9) An obligation does not arise under paragraph (2)(c) in relation to particular equipment, goods or services the supply of which is treated under section 139 as the supply of a prescribed carriage service if the customer concerned requests not to be supplied with the equipment, goods or services.
 - (10) To avoid doubt, an obligation arising under paragraph (2)(a) in relation to customer equipment requires the customer concerned to be given the option of hiring the equipment.
- (73) Clause 150, page 135 (line 6), omit “a Minister”, substitute “the Minister”.
- (74) Page 138 (after line 5), after clause 155, insert:

155A Public comment—draft plan

- (1) Before giving the Minister a draft universal service plan under section 155, a universal service provider must:
 - (a) publish a preliminary version of the draft plan and invite members of the public to make submissions to the provider about the preliminary version within a specified period; and
 - (b) give consideration to any submissions received from members of the public within that period.
- (2) The period specified in the invitation must run for at least 30 days.
- (3) This section does not apply to a draft plan given to the Minister in accordance with a direction under subsection 155(3).

(4) This section does not apply to a draft plan given to the Minister in accordance with a notice under section 161.

(75) Page 140 (after line 11), after clause 159, insert:

159A Public comment—variation of plan

- (1) Before giving the Minister a draft variation of a plan under section 159, a universal service provider must:
 - (a) publish a preliminary version of the draft variation and invite members of the public to make submissions to the provider about the preliminary version within a specified period; and
 - (b) give consideration to any submissions that were received from members of the public within that period.
- (2) The period specified in the invitation must run for at least 30 days.
- (3) This section does not apply to a draft variation given to the Minister in accordance with a notice under section 161.

(76) Page 147 (after line 16), after clause 172, insert:

172A Universal service provider may propose service areas for declaration as net cost areas—special declaration

- (1) This section applies if a person is a universal service provider on the first day of a financial year.
- (2) During the financial year, or within 45 days after the end of the financial year, the person may give the ACA written notice that:
 - (a) specifies service areas for which the person is the universal service provider and that, in the person's opinion, the ACA should declare under section 172B as net cost areas for the financial year; and
 - (b) sets out why, in the person's opinion, the ACA should so declare the specified areas.
- (3) A notice under subsection (2) must be in a form approved in writing by the ACA.
- (4) In addition to the matters set out in paragraphs (2)(a) and (b), a notice under subsection (2) must contain such other information (if any) as the approved form of notice requires.

Note 1: The heading to clause 171 (page 146, lines 5 and 6) is altered by adding at the end "**—ordinary declaration**".

Note 2: The heading to clause 172 (page 146, line 22) is altered by adding at the end "**—ordinary declarations**".

(77) Page 147 (after line 16), after clause 172, insert:

172B Net cost areas—special declarations

- (1) The ACA must comply with this section within 30 days after receiving a notice under section 172A from a person.
- (2) For each service area specified in the notice, the ACA must decide:

- (a) to declare the area as a net cost area for the financial year; or
 - (b) not to declare as mentioned in paragraph (a).
- (3) If the ACA makes a decision under paragraph (2)(a), the ACA must make a written declaration stating that the area concerned is a net cost area for the financial year. The declaration has effect accordingly.
- (4) Before making a decision under subsection (2), the ACA may make whatever inquiries it thinks necessary or desirable in order to determine what decision it should make under that subsection.
- (5) In making a decision under subsection (2), the ACA must:
- (a) have regard to the reasons specified in accordance with paragraph 172A(2)(b); and
 - (b) comply with any directions in force under section 173.
- (6) The ACA must not make a declaration under this section stating that an area is a net cost area for the financial year unless the ACA is satisfied that:
- (a) the person has incurred, or is likely to incur, a substantial loss attributable to the supply by the person of services to the area during the financial year; and
 - (b) the loss is wholly the result of circumstances beyond the person's control; and
 - (c) when the person became aware of those circumstances, the person took all reasonable steps to minimise the loss.
- (7) A reference in subsection (6) to a person supplying services to an area during a financial year is a reference to the person:
- (a) supplying standard telephone services to persons in the area; or
 - (b) supplying, installing or maintaining payphones in the area; or
 - (c) supplying prescribed carriage services in the area;
- during that financial year.
- (78) Clause 182, page 156 (after line 17), at the end of subclause (4), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (79) Heading to Subdivision D, page 161 (line 2), omit "**the basis and methods of an assessment**", substitute "**decisions relating to net cost areas and assessments**".
- (80) Clause 191, page 161 (line 10), omit "(3)", substitute "(3); or".
- (81) Clause 191, page 161 (after line 10), at the end of subclause (1), add:
- (c) specified information or documents relating to a decision by the ACA under section 172 or 172B to declare an area as a net cost area for a financial year.

- (82) Clause 192, page 162 (line 21), omit “that”, substitute “in the case of a request under paragraph 191(1)(a) or (b)—that”.
- (83) Clause 192, page 162 (line 32), omit “(b)”, substitute “(b); or”.
- (84) Clause 192, page 162 (after line 32), at the end of subclause (4), add:
- (e) in the case of a request under paragraph 191(1)(c)—that:
 - (i) the first eligible person has made the request in good faith for the sole purpose of informing itself about the basis on which, or the methods by which, the ACA made the decision to make the declaration concerned; and
 - (ii) having regard to the policy principles in section 134, the first eligible person’s interest in being able to examine that decision outweighs the other eligible person’s interest in avoiding the damage referred to in paragraph (b).
- (85) Clause 192, page 162, at the end of the clause, add:
- (5) In determining the question referred to in paragraph (4)(b), the ACA must have regard to:
 - (a) whether any undertakings have been given under subsection (6) and, if so, the nature of those undertakings; and
 - (b) such other matters (if any) as the ACA considers relevant.
 - (6) For the purposes of this section, a person may give the ACA a written undertaking that, in the event that specified information, or the whole or a part of a specified document, is made available to the person under this section, the person will not disclose the information, or the contents of the document, except to one or more specified persons.

Note: Information, documents or persons may be specified by name, by inclusion in a class or in any other way.
 - (7) If a person gives an undertaking under subsection (6), the person must comply with the undertaking.
- (86) Page 173 (after line 24), after clause 216, insert:

216A Benefits for customers outside standard zones

- (1) For the purposes of this section, if a customer of a carriage service provider is in Australia, but is not in a standard zone, the customer is a *designated customer*.
- (2) The regulations may formulate a scheme to give benefits to designated customers, where the benefits:
 - (a) relate to charges for calls made using a standard telephone service supplied to the customer; and

- (b) are comparable to the benefits given to eligible customers under section 214 (which deals with the requirement to provide an untimed local call option).
- (3) For the purposes of subsection (2), a comparison of benefits is to have regard to (among other things), the ability to make calls to essential business and community services on an untimed basis.
- (4) Regulations made for the purposes of subsection (2) may impose requirements on carriage service providers.
- (5) A carriage service provider must comply with any applicable requirements imposed by regulations made for the purposes of subsection (2).
- (6) The Minister must take all reasonable steps to ensure that, at all times on and after 1 January 1998, regulations are in force for the purposes of subsection (2).
- (7) For the purposes of this section, charges for particular calls are worked out on an untimed basis if, and only if, the charges for those calls are worked out by reference to the number of such calls made during a particular period, regardless of how long each call lasted.
- (87) Clause 224, page 178 (line 19), omit “paragraph (d).”, substitute “paragraph (d); and”.
- (88) Clause 224, page 178 (after line 19), at the end of subclause (1), add:
 - (f) any other matter concerning the supply, or proposed supply, of a carriage service to a customer.
- (89) Clause 226, page 180 (line 25), omit “\$3,000”, substitute “\$25,000”.
- (90) Clause 229, page 182 (line 17), omit “Division”, substitute “Part”.
- (91) Clause 229, page 182 (line 19), omit “Division”, substitute “Part”.
- (92) Clause 229, page 182 (after line 20), at the end of the clause, add:
 - (3) This Part does not limit, restrict or otherwise affect the operation of the Telecommunications Industry Ombudsman scheme. In particular, this Part does not affect a customer’s right to complain to the Telecommunications Industry Ombudsman.
 - (4) Subsection (3) does not, by implication, limit subsection (2).
- (93) Clause 235, page 185 (after line 20), at the end of paragraph (a), add:
 - (iii) a carriage service that enables end-users to access the Internet; or
- (94) Clause 255, page 199 (lines 20 to 23), omit paragraph (a), substitute:
 - (a) the objective that a carriage service provider who supplies a standard telephone service should provide each end-user of that standard telephone service with access, free of charge, to an emergency call service, unless the ACA considers that it would be unreasonable for such access to be provided;

- (aa) the objective that, if a carriage service provider who supplies a standard telephone service is required to provide each end-user of that standard telephone service with access to an emergency call service operated by a recognised person, the recognised person should:
 - (i) receive and handle calls made by those end-users to the relevant emergency service number; and
 - (ii) if appropriate—transfer such calls to an appropriate emergency service organisation; and
 - (iii) if appropriate—give information in relation to such calls to an appropriate emergency service organisation;
- (ab) the objective that emergency service organisations should not be charged for services provided by a recognised person who operates an emergency call service, being services by way of:
 - (i) receiving and handling calls to an emergency service number; or
 - (ii) transferring such calls to an emergency service organisation; or
 - (iii) giving information in relation to such calls to an emergency service organisation;
- (ac) the objective that emergency service organisations should not be charged for the following carriage services:
 - (i) carriage services used to connect calls made to an emergency service number;
 - (ii) carriage services used to transfer such calls to an emergency service organisation;
 - (iii) carriage services used to give information in relation to such calls to an emergency service organisation;
- (ad) the objective that, as far as practicable, a common system is used to:
 - (i) transfer calls made to an emergency service number to an emergency service organisation; and
 - (ii) give information in relation to such calls to an emergency service organisation;
- (ae) the objective that calls made to an emergency service number are transferred to an appropriate emergency service organisation with the minimum of delay;
- (af) the objective that, from the perspective of an ordinary end-user of a standard telephone service, there appears to be a single national emergency call system;
- (ag) the objective that reasonable community expectations for the handling of calls to emergency service numbers are met;

- (95) Clause 255, page 200 (after line 33), after subclause (4), insert:
- (4A) A determination under this section may deal with performance standards, including (but not limited to) performance standards relating to:
- (a) the answering of calls to emergency service numbers; and
 - (b) delays in transferring calls made to an emergency service number to the appropriate emergency service organisation; and
 - (c) the handling of complaints about emergency call services.
- (4B) Subsections (4) and (4A) do not, by implication, limit subsection (1).
- (96) Clause 255, page 201 (after line 15), at the end of subclause (7), add:
- ; (e) consumers of standard telephone services.
- (97) Clause 255, page 201 (after line 15), after subclause (7), insert:
- (7A) A carriage service provider may provide the access referred to in paragraph (2)(a) itself or by arranging with another person for the access to be provided.
- (98) Clause 255, page 201 (line 22), omit “paragraph.”, substitute “paragraph; or”.
- (99) Clause 255, page 201 (after line 22), at the end of the definition of *emergency service organisation*, add:
- (e) a service for despatching a force or service referred to in paragraph (a), (b), (c) or (d).
- (100) Clause 256, page 201 (line 26), omit “section 257”, substitute “sections 256A and 257”.
- (101) Page 202 (after line 9), after clause 256, insert:

256A Access to emergency call services

- (1) This section applies if:
- (a) an emergency call service is operated by a recognised person; and
 - (b) a determination under section 255 requires a carriage service provider who supplies a standard telephone service to provide each end-user of that standard telephone service with access to that emergency call service; and
 - (c) a determination under section 255 requires the recognised person to:
 - (i) receive and handle calls made by those end-users to the relevant emergency service number; and
 - (ii) if appropriate—transfer such calls to an appropriate emergency service organisation; and

- (iii) if appropriate—give information in relation to such calls to an appropriate emergency service organisation.
- (2) The recognised person must comply with the requirement mentioned in paragraph (1)(c) on such terms and conditions as are:
 - (a) agreed between the following parties:
 - (i) the carriage service provider;
 - (ii) the recognised person; or
 - (b) failing agreement, determined by an arbitrator appointed by the parties.

If the parties fail to agree on the appointment of an arbitrator, the ACCC is to be the arbitrator.

- (3) The regulations may make provision for and in relation to the conduct of an arbitration under this section.
- (4) The regulations may provide that, for the purposes of a particular arbitration conducted by the ACCC under this section, the ACCC may be constituted by a single member, or a specified number of members, of the ACCC. For each such arbitration, that member or those members are to be nominated in writing by the Chairperson of the ACCC.
- (5) Subsection (4) does not, by implication, limit subsection (3).
- (6) A determination made in an arbitration under this section must not be inconsistent with a Ministerial pricing determination in force under section 256B.

(102) Page 202 (after line 9), after clause 256, insert:

256B Ministerial pricing determinations

- (1) The Minister may make a written determination setting out principles dealing with price-related terms and conditions relating to requirements of a kind referred to in subsection 256A(1). The determination is to be known as a ***Ministerial pricing determination***.
- (2) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (3) In this section:

price-related terms and conditions means terms and conditions relating to price or a method of ascertaining price.

(103) Clause 258, page 204 (line 6), after “providers,” insert “number-database operators,”.

(104) Page 205 (after line 6), after clause 259, insert:

259A Number-database operator and eligible number-database person

- (1) For the purposes of this Part, a *number-database operator* is a person in respect of which a determination is in force under subsection 456(1).
- (2) For the purposes of this Part, an *eligible number-database person* is a person who is:
 - (a) a number-database operator; or
 - (b) an employee of a number-database operator; or
 - (c) a number-database contractor; or
 - (d) an employee of a number-database contractor.

(105) Page 205 (after line 16), at the end of Division 1, add:

261A Number-database contractor

A reference in this Part to a *number-database contractor* is a reference to a person who performs services for or on behalf of a number-database operator, but does not include a reference to a person who performs such services in the capacity of an employee of the operator.

(106) Clause 262, page 207 (line 29), omit “Note”, substitute “Note 1”.

(107) Clause 262, page 207 (after line 29), after the note, insert:

Note 2: See also sections 4AA and 4B of the *Crimes Act 1914*.

(108) Page 208 (after line 7), after clause 262, insert:

262A Primary disclosure/use offence—eligible number-database persons*Current eligible number-database persons*

- (1) An eligible number-database person must not disclose or use any information or document that:
 - (a) relates to:
 - (i) carriage services supplied, or intended to be supplied, to another person by a carrier or carriage service provider; or
 - (ii) the affairs or personal particulars (including any unlisted telephone number or any address) of another person; and
 - (b) comes to the person’s knowledge, or into the person’s possession:
 - (i) if the person is a number-database operator—in connection with the person’s business as such an operator; or
 - (ii) if the person is an employee of a number-database operator—because the person is employed by the operator in connection with its business as such an operator; or

- (iii) if the person is a number-database contractor—in connection with the person’s business as such a contractor; or
- (iv) if the person is an employee of a number-database contractor—because the person is employed by the contractor in connection with its business as such a contractor.

Former eligible number-database persons

- (2) A person who has been an eligible number-database person must not disclose or use any information or document that:
 - (a) relates to a matter mentioned in paragraph (1)(a); and
 - (b) came to the person’s knowledge, or into the person’s possession:
 - (i) if the person was a number-database operator—in connection with the person’s business as such an operator; or
 - (ii) if the person was an employee of a number-database operator—because the person was employed by the operator in connection with its business as such an operator; or
 - (iii) if the person was a number-database contractor—in connection with the person’s business as such a contractor; or
 - (iv) if the person was an employee of a number-database contractor—because the person was employed by the contractor in connection with its business as such a contractor.

Offence

- (3) A person who intentionally or recklessly contravenes this section is guilty of an offence punishable on conviction by imprisonment for a term not exceeding 2 years.

Note 1: This section is subject to the exceptions in Division 3.

Note 2: See also sections 4AA and 4B of the *Crimes Act 1914*.

(109) Clause 263, page 209 (line 5), omit “Note”, substitute “Note 1”.

(110) Clause 263, page 209 (after line 5), after the note, insert:

Note 2: See also sections 4AA and 4B of the *Crimes Act 1914*.

(111) Clause 264, page 210 (after line 17), after subclause (2), insert:

(2A) Section 262A does not prohibit a disclosure or use by a person of information or a document if:

- (a) the person is an employee of:
 - (i) a number-database operator; or

- (ii) a number-database contractor; and
 - (b) the disclosure or use is made in the performance of the person's duties as such an employee.
- (2B) Section 262A does not prohibit a disclosure or use by a person of information or a document if:
 - (a) the person is a number-database contractor; and
 - (b) the disclosure or use is made in the performance of the person's duties as such a contractor.
- (112) Clause 265, page 211 (lines 1 to 4), omit the clause, substitute:

265 Authorisation by or under law

 - (1) Division 2 does not prohibit a disclosure or use of information or a document if:
 - (a) in a case where the disclosure or use is in connection with the operation of an enforcement agency—the disclosure or use is required or authorised under a warrant; or
 - (b) in any other case—the disclosure or use is required or authorised by or under law.
 - (2) In this section:

enforcement agency has the same meaning as in section 267.
- (113) Clause 267, page 211 (line 13), omit "Section 262 does", substitute "Sections 262 and 262A do".
- (114) Clause 267, page 211 (line 22), omit "Section 262 does", substitute "Sections 262 and 262A do".
- (115) Clause 267, page 211 (line 28), omit "Section 262 does", substitute "Sections 262 and 262A do".
- (116) Clause 267, page 212 (after line 4), after subclause (5), insert:
 - (5A) Subsections (3), (4) and (5) do not apply to the disclosure by a person of information or a document that relates to:
 - (a) the contents or substance of a communication that has been carried by a carrier or carriage service provider; or
 - (b) the contents or substance of a communication that is being carried by a carrier or carriage service provider (including a communication that has been collected or received by such a carrier or provider for carriage by it but has not been delivered by it).
 - (5B) A certificate under subsection (3), (4) or (5) must comply with such requirements as are determined in writing by the ACA.
 - (5C) Before making a determination under subsection (5B), the ACA must consult the Privacy Commissioner.
- (117) Clause 267, page 212 (line 25), omit "Territory.", substitute "Territory; or".

- (118) Clause 267, page 212 (after line 25), at the end of the definition of *criminal law-enforcement agency*, add:
- (h) a body or organisation responsible to the Australasian Police Ministers' Council for the facilitation of national law enforcement support;
- and includes the National Exchange of Police Information.
- (119) Clause 269, page 214 (line 16), omit "Section 262 does", substitute "Sections 262 and 262A do".
- (120) Clause 269, page 214 (line 22), omit "Section 262 does", substitute "Sections 262 and 262A do".
- (121) Clause 269, page 214 (line 28), omit "Section 262 does", substitute "Sections 262 and 262A do".
- (122) Clause 270, page 215 (line 6), omit "Section 262 does", substitute "Sections 262 and 262A do".
- (123) Clause 270, page 215 (line 24), omit "address.", substitute "address; or".
- (124) Clause 270, page 215 (after line 24), at the end of paragraph (c), add:
- (iii) dealing with the matter or matters raised by a call to an emergency service number.
- (125) Clause 270, page 215 (line 30), omit "or association".
- (126) Clause 271, page 216 (line 23), at the end of subparagraph (v), add "or".
- (127) Clause 271, page 216 (after line 23), after subparagraph (v), insert:
- (vi) a service for despatching a force or service referred to in subparagraph (i), (ii), (iii) or (v);
- (128) Clause 277, page 220 (after line 6), after subclause (1), insert:
- (1A) Section 262A does not prohibit a disclosure or use of information or a document in circumstances specified in the regulations.
- (129) Clause 278, page 220 (after line 15), after subclause (1), insert:
- (1A) Section 262A does not prohibit a use of information or a document if:
 - (a) the use is made for the purposes of, or in connection with, a disclosure of the information or document by the person; and
 - (b) because of this Division, the disclosure is not prohibited by section 262A.
- (130) Clause 280, page 221 (line 5), omit "(other than section 272)".
- (131) Clause 280, page 221 (line 9), omit "(other than section 272)".
- (132) Clause 288, page 225 (after line 22), at the end of the clause, add:
- Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (133) Clause 289, page 226 (lines 4 and 5), omit "carrier or carriage service provider", substitute "carrier, carriage service provider or number-database operator".

- (134) Clause 289, page 226 (line 6), omit “carrier or carriage service provider”, substitute “carrier, provider or operator”.
- (135) Clause 289, page 226 (line 8), omit “carrier or carriage service provider”, substitute “carrier, provider or operator”.
- (136) Clause 290, page 226 (line 15), omit “carrier or carriage service provider,”, substitute “carrier, carriage service provider or number-database operator,”.
- (137) Clause 290, page 226 (line 16), omit “carrier or provider”, substitute “carrier, provider or operator”.
- (138) Clause 290, page 226 (line 20), omit “carrier or carriage service provider,”, substitute “carrier, carriage service provider or number-database operator,”.
- (139) Clause 290, page 226 (lines 21 and 22), omit “carrier or provider”, substitute “carrier, provider or operator”.
- (140) Clause 290, page 226 (line 27), omit “carrier or carriage service provider”, substitute “carrier, carriage service provider or number-database operator”.
- (141) Clause 290, page 226 (line 28), omit “carrier or provider”, substitute “carrier, provider or operator”.
- (142) Clause 291, page 227 (line 6), after “eligible person”, insert “or an eligible number-database person”.
- (143) Clause 291, page 227 (lines 9 and 10), omit “eligible person is a carrier or carriage service provider, the carrier or provider”, substitute “person is a carrier, carriage service provider or number-database operator, the carrier, provider or operator”.
- (144) Clause 291, page 227 (lines 15 and 16), omit “eligible person is an associate of a carrier or carriage service provider, the eligible person”, substitute “person is an associate of a carrier, carriage service provider or number-database operator, the person”.
- (145) Clause 291, page 227 (line 20), omit “carrier or provider”, substitute “carrier, provider or operator”.
- (146) Clause 291, page 227 (lines 22 and 23), omit “carrier or carriage service provider”, substitute “carrier, carriage service provider or number-database operator”.
- (147) Clause 291, page 227 (line 23), omit “carrier or provider”, substitute “carrier, provider or operator”.
- (148) Clause 291, page 228 (after line 16), at the end of subclause (7), add:
Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (149) Clause 292, page 228 (after line 23), at the end of subclause (2), add:
Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

- (150) Clause 293, page 229 (line 1), omit “carrier or carriage service provider”, substitute “carrier, carriage service provider or number-database operator”.
- Note: The heading to clause 293 (page 228, lines 24 and 25) is altered by omitting “**carriers or carriage service providers**” and substituting “**carriers, carriage service providers or number-database operators**”.
- (151) Clause 293, page 229 (line 3), omit “carrier or carriage service provider”, substitute “carrier, carriage service provider or number-database operator”.
- (152) Clause 293, page 229 (line 5), omit “carrier or carriage service provider”, substitute “carrier, carriage service provider or number-database operator”.
- (153) Clause 294, page 229 (line 20), omit “carrier or carriage service provider”, substitute “carrier, carriage service provider or number-database operator”.
- (154) Clause 294, page 229 (line 21), omit “carrier or provider”, substitute “carrier, provider or operator”.
- (155) Clause 298, page 234 (after line 7), at the end of the clause, add:
- (7) A reference in this section to *giving help* includes a reference to giving help by way of the provision of interception services.
- (156) Clause 299, page 234 (after line 11), after subclause (1), insert:
- (1A) The person must comply with the requirement on the basis that the person neither profits from, nor bears the costs of, giving that help.
- (157) Clause 334, page 256 (lines 21 to 23), omit subclause (8).
- (158) Clause 335, page 258 (lines 16 to 18), omit subclause (5).
- (159) Clause 361, page 277 (lines 19 and 20), omit “direct access to an emergency service number”, substitute “access to an emergency call service”.
- (160) Clause 361, page 277 (lines 22 and 23), omit “in fulfilment of the universal service obligation”.
- (161) Clause 363, page 279 (after line 22), at the end of the clause, add:
- (5) For the purposes of subsection (1), interested persons are taken not to have had an adequate opportunity to make representations unless there was a period of at least 60 days during which the representations could be made.
- (162) Clause 367, page 283 (after line 9), at the end of the clause, add:
- (5) For the purposes of subsection (1), interested persons are taken not to have had an adequate opportunity to make representations unless there was a period of at least 60 days during which the representations could be made.
- (163) Clause 371, page 286 (after line 15), at the end of the clause, add:

- (5) For the purposes of subsection (1), interested persons are taken not to have had an adequate opportunity to make representations unless there was a period of at least 60 days during which the representations could be made.
- (164) Clause 372, page 286 (line 21), after “that matter”, insert “within the period specified in the notice”.
- (165) Clause 372, page 286 (after line 30), after subclause (1), insert:
- (1A) The period specified under paragraph (1)(a) must run for at least 120 days after the notice was given.
- (166) Clause 384, page 292 (after line 3), at the end of subclause (2), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (167) Page 292 (after line 25), after clause 387, insert:

387A Register of connection permits

- (1) The ACA is to maintain a Register in which it includes:
- (a) all connection permits currently in force; and
 - (b) all conditions of such permits.
- (2) The Register may be maintained by electronic means.
- (3) A person may, on payment of the charge (if any) fixed by a determination under section 52 of the *Australian Communications Authority Act 1996*:
- (a) inspect the Register; and
 - (b) make a copy of, or take extracts from, the Register.
- (4) For the purposes of this section, if the Register is maintained by electronic means, a person is taken to have made a copy of, or taken an extract from, the Register if the ACA gives the person a printout of, or of the relevant parts of, the Register.
- (5) If a person requests that a copy be provided in an electronic form, the ACA may provide the relevant information:
- (a) on a data processing device; or
 - (b) by way of electronic transmission.
- (168) Clause 389, page 294 (after line 23), at the end of the clause, add:
- (5) For the purposes of subsection (1), interested persons are taken not to have had an adequate opportunity to make representations unless there was a period of at least 60 days during which the representations could be made.
- (169) Clause 395, page 299 (after line 5), at the end of subclause (2), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (170) Clause 396, page 300 (after line 27), at the end of subclause (2), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (171) Clause 397, page 301 (after line 31), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(172) Clause 398, page 302 (after line 16), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(173) Clause 399, page 302 (after line 24), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(174) Clause 400, page 303 (after line 6), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(175) Clause 401, page 304 (after line 18), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(176) Clause 404, page 309 (after line 6), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(177) Clause 405, page 309 (after line 23), at the end of subclause (4), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(178) Clause 406, page 310 (after line 26), at the end of the clause, add:

- (5) For the purposes of subsection (1), interested persons are taken not to have had an adequate opportunity to make representations unless there was a period of at least 60 days during which the representations could be made.

(179) Clause 418, page 314 (after line 28), at the end of subclause (3), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(180) Clause 436, page 330 (after line 3), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(181) Clause 439, page 334 (after line 30), at the end of the clause, add:

- (12) Despite subsection (1), the ACA is not required to make a numbering plan before 1 January 1998.

(182) Clause 442, page 336 (after line 3), after subclause (2), insert:

- (2A) In exercising the power conferred by subsection (1), the ACCC must ensure that, at all times when the numbering plan is in force, the plan sets out rules about the matter mentioned in paragraph 439(5)(d).

(183) Clause 442, page 336 (line 8), after “portability of”, insert “particular”.

(184) Clause 444, page 336 (line 20), omit “or varying”.

(185) Clause 444, page 336 (lines 23 and 24), omit “or variation”.

(186) Clause 444, page 337 (line 8), omit “or varying the plan, as the case may be”, substitute “the plan”.

(187) Clause 444, page 337 (lines 9 and 10), omit subclause (3), substitute:

- (3) If the ACA is of the opinion:
- (a) that a variation of a numbering plan will affect a number issued to a customer of a carriage service provider, being a customer located in a particular State; or

- (b) that it is in the public interest that the public in a particular State should be consulted about a variation of a numbering plan;

the ACA must:

- (c) cause to be published in a newspaper circulating in the State a notice:
 - (i) stating that the ACA has prepared a draft of the variation; and
 - (ii) stating that copies of the draft will be available for inspection and purchase by members of the public during normal office hours throughout the period of 90 days after the publication of the notice; and
 - (iii) specifying the place or places where the copies will be available for inspection and purchase; and
 - (iv) inviting interested persons to give written comments about the draft to the ACA within 90 days after the publication of the notice; and
 - (d) make copies of the draft available for inspection and purchase in accordance with the notice.
- (3A) If interested persons have given comments about the draft in accordance with the notice, the ACA must have due regard to those comments in varying the plan.
- (188) Clause 450, page 342 (line 23), omit “use”, substitute “the purpose of calling an emergency call service”.
- (189) Clause 450, page 343 (after line 9), at the end of the clause, add:
- (6) In making the numbering plan, the ACA must have regard to the objective that, as far as practicable, there should be no more than one emergency service number for use throughout Australia.
 - (7) Subsection (6) does not, by implication, limit section 439.
- (190) Clause 456, page 347 (line 3), omit “or association”.
- (191) Clause 456, page 347 (line 6), omit “person or association, the person or association”, substitute “person, the person”.
- (192) Clause 456, page 347 (line 9), omit “or association”.
- (193) Clause 456, page 347 (line 10), omit “person or association, direct the person or association”, substitute “person, direct the person”.
- (194) Clause 459, page 349 (after line 17), at the end of subclause (7), add:
- Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (195) Clause 460, page 350 (after line 15), at the end of subclause (7), add:
- Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (196) Clause 464, page 353 (lines 9 to 11), omit subclause (4), substitute:
- (4) The provider must comply with a request under subsection (3):

- (a) if the agreement is relevant to ascertaining the terms and conditions governing the commercial relationship between the provider and the person who made the request—without requiring any payment from the person; or
 - (b) in any other case—on payment, by the person who made the request, of such reasonable charge (if any) as the provider requires.
- (197) Clause 464, page 353 (line 26), at the end of subclause (6), add “in which those customers are located. However, this subsection does not apply if the variation would not cause detriment to any of those customers.”.
- (198) Clause 474, page 359 (after line 4), after subclause (1), insert:
- (1A) For the purposes of subsection (1), the ACA is taken not to have provided a reasonable opportunity to make submissions unless there was a period of at least 28 days during which the submissions could be made.
- (199) Clause 477, page 361 (after line 8), at the end of subclause (4), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (200) Clause 478, page 361 (after line 25), at the end of subclause (4), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (201) Clause 484, page 364 (after line 29), after subclause (1), insert:
- (1A) For the purposes of subsection (1), the ACCC is taken not to have provided a reasonable opportunity to make submissions unless there was a period of at least 28 days during which the submissions could be made.
- (202) Clause 487, page 366 (after line 26), at the end of subclause (4), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (203) Clause 488, page 367 (after line 15), at the end of subclause (4), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (204) Clause 498, page 372 (line 11), omit “code registered under Part 6”, substitute “code registered, or standard determined, under Part 6”.
- (205) Clause 498, page 372 (line 17), omit “code registered under Part 6”, substitute “code registered, or standard determined, under Part 6”.
- (206) Clause 498, page 372 (line 25), omit “code registered under Part 6”, substitute “code registered, or standard determined, under Part 6”.
- (207) Clause 501, page 375 (after line 9), at the end of the clause, add:
- (5) The ACA is not required to publish a report or part of a report if the publication would involve the unreasonable disclosure of personal information about any individual (including a deceased individual).
- (208) Clause 506, page 381 (after line 9), at the end of subclause (4), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (209) Clause 509, page 382 (after line 9), at the end of the clause, add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(210) Clause 510, page 382 (after line 14), at the end of subclause (1), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(211) Clause 515, page 385 (after line 8), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(212) Clause 518, page 388 (after line 19), at the end of subclause (3), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(213) Clause 532, page 399 (after line 8), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(214) Clause 533, page 400 (after line 4), at the end of subclause (3), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(215) Clause 562, page 418 (after line 16), at the end of subclause (1), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

(216) Clause 566, page 421 (after line 18), insert:

- The Minister may make grants of financial assistance to consumer bodies for purposes in connection with the representation of the interests of consumers in relation to telecommunications issues.
- The Minister may make grants of financial assistance for purposes in connection with research into the social, economic, environmental or technological implications of developments relating to telecommunications.

(217) Page 427 (after line 5), after clause 576, insert:

576A Funding of consumer representation, and of research, in relation to telecommunications

- (1) The Minister may, on behalf of the Commonwealth, make a grant of financial assistance to a consumer body for purposes in connection with the representation of the interests of consumers in relation to telecommunications issues.
- (2) The Minister may, on behalf of the Commonwealth, make a grant of financial assistance to a person or body for purposes in connection with research into the social, economic, environmental or technological implications of developments relating to telecommunications.
- (3) The terms and conditions on which financial assistance is to be granted under this section are to be set out in a written agreement between the Commonwealth and the person or body receiving the grant.

- (4) An agreement under subsection (3) may be entered into by the Minister on behalf of the Commonwealth.
- (5) The Minister must, as soon as practicable after the end of each financial year (and, in any event, within 6 months after the end of the financial year), cause to be prepared a report relating to the administration of this section during the financial year.
- (6) The Minister must cause copies of a report prepared under subsection (5) to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.
- (7) Grants under this section are to be paid out of money appropriated by the Parliament for the purposes of this section.
- (8) In this section:

consumer body means a body or association that represents the interests of consumers.

telecommunications means the carriage of communications by means of guided and/or unguided electromagnetic energy.

(218) Schedule 1, clause 2, page 429 (after line 17), at the end of the outline, add:

- A carrier must comply with its industry development plan, in so far as the plan relates to its research and development activities.

(219) Schedule 1, clause 4, page 430 (lines 1 to 10), omit the clause, substitute:

4 Carriers must have a current industry development plan

The ACA must not grant a carrier licence unless the applicant has given a current industry development plan to the Industry Minister and the Industry Minister has approved the plan.

(220) Schedule 1, clause 6, page 430 (line 25) to page 431 (line 1), omit subclause (2), substitute:

- (2) The plan must include any relevant particulars of the carrier's strategic commercial relationships, including (but not limited to):
 - (a) the carrier's relationships in connection with the production and supply of facilities; and
 - (b) the carrier's relationships in connection with investment in, and development of, Australian manufacturing and supply capabilities; and
 - (c) the carrier's strategic alliances with Australian companies; and
 - (d) the carrier's strategic alliances with multinational companies; and

- (e) the carrier's relationships in connection with the production and supply of equipment for use by people with disabilities.
- (2A) The plan must include any relevant particulars of the carrier's activities in relation to research and development, including (but not limited to) matters in connection with:
- (a) investment in research and development capabilities; and
 - (b) research into, and development of, new technologies; and
 - (c) arrangements for maintaining Australian ownership of intellectual property; and
 - (d) arrangements relating to technology transfers to Australian industry; and
 - (e) research and development to address the needs of people with disabilities.
- (2B) The plan must include any relevant particulars of the carrier's export development plans, including (but not limited to) export development plans relating to equipment for use by people with disabilities.
- (2C) The plan must include any relevant particulars of the carrier's arrangements aimed at encouraging employment in industries involved in the manufacture, development or supply of facilities, including (but not limited to) arrangements aimed at encouraging:
- (a) employment opportunities relevant to those industries; and
 - (b) training relevant to those industries.
- (221) Schedule 1, clause 6, page 431 (after line 4), before the definition of *facility*, insert:

disability has the same meaning as in the *Disability Discrimination Act 1992*.

- (222) Schedule 1, page 431 (after line 24), after clause 9, insert:

9A Requirements relating to research and development activities

- (1) The Industry Minister may, by written instrument, impose requirements that must be complied with by industry development plans in so far as those plans relate to the research and development activities of carriers.
- (2) An industry development plan must not be made or varied in contravention of that instrument.
- (3) If a purported plan or variation contravenes subclause (2), it is of no effect.
- (4) If an industry development plan is in existence at the time (the *imposition time*) when an instrument under subclause (1) imposes a requirement in relation to the plan:

- (a) the requirement does not have any effect on the validity of the plan during the 180-day period beginning at the imposition time; and
 - (b) if, at the end of that 180-day period, the plan is current but contravenes the requirement—the period to which the plan relates terminates immediately after the end of that period.
- (5) An instrument under subclause (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(223) Schedule 1, page 432 (after line 6), after clause 10, insert:

10A Compliance with provisions of plan relating to research and development activities

If an industry development plan of a carrier is current, the carrier must comply with the plan in so far as the plan relates to the carrier's research and development activities.

(224) Schedule 1, page 432 (after line 26), after clause 12, insert:

12A Annual report by Industry Minister

- (1) The Industry Minister must, as soon as practicable after the end of each financial year (and, in any event, within 6 months after the end of the financial year), cause to be prepared a report relating to the progress made by carriers in implementing current industry development plans during the financial year.
- (2) The Industry Minister must cause copies of a report prepared under subclause (1) to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.

(225) Schedule 1, page 444 (after line 6), after clause 28, insert:

28A Extended meaning of *access*

- (1) For the purposes of this Part, *giving access* to a tower includes replacing the tower with another tower located on the same site and giving access to the replacement tower.
- (2) For the purposes of this Part, *giving access* to a site on which is situated a tower includes replacing the tower with another tower located on the site.

(226) Schedule 1, clause 29, page 444 (after line 24), after subclause (3), insert:

- (3A) In determining whether compliance with subclause (1) in relation to a tower is technically feasible, the ACA must have regard to:
 - (a) whether compliance is likely to result in significant difficulties of a technical or engineering nature; and
 - (b) whether compliance is likely to result in a significant threat to the health or safety of persons who operate, or work on, the tower; and

- (c) if compliance is likely to have a result referred to in paragraph (a) or (b)—whether there are practicable means of avoiding such a result, including (but not limited to):
 - (i) changing the configuration or operating parameters of a facility situated on the tower; and
 - (ii) making alterations to the tower; and
 - (d) such other matters (if any) as the ACA considers relevant.
- (227) Schedule 1, clause 30, page 445 (after line 23), after subclause (3), insert:
- (3A) In determining whether compliance with subclause (1) in relation to a site is technically feasible, the ACA must have regard to:
- (a) whether compliance is likely to result in significant difficulties of a technical or engineering nature; and
 - (b) whether compliance is likely to result in a significant threat to the health or safety of persons who operate, or work on, a facility situated on the site; and
 - (c) if compliance is likely to have a result referred to in paragraph (a) or (b)—whether there are practicable means of avoiding such a result, including (but not limited to):
 - (i) changing the configuration or operating parameters of a facility situated on the site; and
 - (ii) making alterations to a facility situated on the site; and
 - (d) such other matters (if any) as the ACA considers relevant.
- (228) Schedule 1, clause 31, page 446 (after line 12), after subclause (3), insert:
- (3A) In determining whether compliance with subclause (1) in relation to an eligible underground facility is technically feasible, the ACA must have regard to:
- (a) whether compliance is likely to result in significant difficulties of a technical or engineering nature; and
 - (b) whether compliance is likely to result in a significant threat to the health or safety of persons who operate, or work on, the eligible underground facility; and
 - (c) if compliance is likely to have a result referred to in paragraph (a) or (b)—whether there are practicable means of avoiding such a result, including (but not limited to):
 - (i) changing the configuration or operating parameters of the eligible underground facility; and
 - (ii) making alterations to the eligible underground facility; and
 - (d) such other matters (if any) as the ACA considers relevant.
- (229) Schedule 1, clause 36, page 449 (line 6), after “their”, insert “designated overhead lines, telecommunications transmission towers and”.

- (230) Schedule 1, clause 37, page 449 (before line 15), before subclause (1), insert:
- (1A) If a carrier owns or operates designated overhead lines, the carrier must keep and maintain records of the kind and location of those lines.
 - (1B) If a carrier owns or operates telecommunications transmission towers, the carrier must keep and maintain records of the kind and location of those towers.
- (231) Schedule 1, clause 37, page 449 (line 20), omit “subclause (1),”, substitute “subclause (1A), (1B) or (1),”.
- (232) Schedule 1, clause 37, page 450 (before line 1), before the definition of *eligible underground facility*, insert:
- designated overhead line* has the same meaning as in Schedule 3.
- (233) Schedule 1, clause 37, page 450 (after line 3), after the definition of *eligible underground facility*, insert:
- telecommunications transmission tower* means:
- (a) a tower; or
 - (b) a pole; or
 - (c) a mast; or
 - (d) a similar structure;
- used to supply a carriage service by means of radiocommunications.
- (234) Schedule 3, clause 1, page 463 (line 6), omit “environmental amenity”, substitute “the environment”.
- (235) Schedule 3, clause 2, page 464 (after line 21), after the definition of *ecological community*, insert:
- endangered ecological community* has the same meaning as in the *Endangered Species Protection Act 1992*.
- (236) Schedule 3, page 467 (after line 13), after clause 3, insert:
- 3A Extension to a tower to be treated as the installation of a facility**
- (1) For the purposes of the application of this Part to the installation of facilities, if:
 - (a) a tower is a facility; and
 - (b) the tower is, or is to be, extended;
 then:
 - (c) the carrying out of the extension is to be treated as the carrying out of the installation of the facility; and
 - (d) the extension is to be treated as a facility in its own right.
 - (2) To avoid doubt, a reference in this clause to a *tower* does not include a reference to an antenna.
 - (3) In this clause:

tower means a tower, pole or mast.

- (237) Schedule 3, clause 5, page 469 (lines 19 and 20), omit subparagraph (iii).
- (238) Schedule 3, clause 5, page 470 (after line 14), after subclause (3), insert:
- (3A) A designated overhead line must not be specified in an instrument under subclause (3).
- (3B) A tower must not be specified in an instrument under subclause (3) unless:
- (a) the tower is attached to a building; and
- (b) the height of the tower does not exceed 5 metres.
- (3C) To avoid doubt, a reference in subclause (3B) to a **tower** does not include a reference to an antenna.
- (239) Schedule 3, clause 5, page 470 (after line 14), after subclause (3), insert:
- (3D) An extension to a tower must not be specified in an instrument under subclause (3) unless:
- (a) the height of the extension does not exceed 5 metres; and
- (b) there have been no previous extensions to the tower.
- For this purpose, **tower** has the same meaning as in clause 3A.
- (240) Schedule 3, clause 6, page 471 (line 10), after “facility”, insert “(the **original facility**)”.
- (241) Schedule 3, clause 6, page 471 (line 12), before “facility”, insert “original”.
- (242) Schedule 3, clause 6, page 471 (line 13), before “facility”, insert “original”.
- (243) Schedule 3, clause 6, page 471 (line 15), before “facility”, insert “original”.
- (244) Schedule 3, clause 6, page 471 (line 16), before “facility”, insert “original”.
- (245) Schedule 3, clause 6, page 471 (after line 18), after paragraph (d), insert:
- (da) the installation of an additional facility in the same location as the original facility, where the conditions specified in subclause (4A) are satisfied; and
- (246) Schedule 3, clause 6, page 471 (line 21), before “facility”, insert “original”.
- (247) Schedule 3, clause 6, page 471 (after line 23), after subclause (3), insert:
- (3A) A reference in this clause to the **maintenance** of a facility does not include a reference to the extension of a tower. For this purpose, **tower** has the same meaning as in clause 3A.
- (248) Schedule 3, clause 6, page 471 (line 30), before “facility”, insert “original”.

- (249) Schedule 3, clause 6, page 472 (line 9), after “fully-enclosed building”, insert “, the original facility was located inside the building”.
- (250) Schedule 3, clause 6, page 472 (line 10), before “facility”, insert “original”.
- (251) Schedule 3, clause 6, page 472 (line 10), at the end of subparagraph (c)(ii), add “or”.
- (252) Schedule 3, clause 6, page 472 (after line 10), at the end of paragraph (c), add:
- (iii) the replacement facility is located inside a duct, pit, hole, tunnel or underground conduit;
- (253) Schedule 3, clause 6, page 472 (after line 12), after subclause (4), insert:
- (4A) For the purposes of paragraph (3)(da), the following conditions are specified:
- (a) the combined levels of noise that are likely to result from the operation of the additional facility and the original facility are less than or equal to the levels of noise that resulted from the operation of the original facility;
 - (b) either:
 - (i) the additional facility is located inside a fully-enclosed building, the original facility is located inside the building and the building is not modified externally as a result of the installation of the additional facility; or
 - (ii) the additional facility is located inside a duct, pit, hole, tunnel or underground conduit;
 - (c) such other conditions (if any) as are specified in the regulations.
- (254) Schedule 3, clause 6, page 472 (line 13), after “and (c)”, insert “and (4A)(a), (b) and (c)”.
- (255) Schedule 3, clause 6, page 472 (after line 14), after subclause (5), insert:
- (5A) For the purposes of subclauses (4) and (4A):
- (a) the measurement of the height of a tower is not to include any antenna extending from the top of the tower; and
 - (b) the volume of a facility is the apparent volume of the materials that:
 - (i) constitute the facility; and
 - (ii) are visible from a point outside the facility; and
 - (c) a structure that makes a facility inside the structure unable to be seen from any point outside the structure is to be treated as if it were a fully-enclosed building.
- (256) Schedule 3, clause 6, page 472 (line 18), after “clause”, insert “(other than subclause (3A))”.

(257) Schedule 3, page 473 (after line 8), after clause 7, insert:

7A Carrier to restore land

- (1) If a carrier engages in an activity under Division 2, 3 or 4 in relation to any land, the carrier must take all reasonable steps to ensure that the land is restored to a condition that is similar to its condition before the activity began.
- (2) The carrier must take all reasonable steps to ensure that the restoration begins within 10 business days after the completion of the first-mentioned activity.
- (3) The rule in subclause (2) does not apply if the carrier agrees with:
 - (a) the owner of the land; and
 - (b) if the land is occupied by a person other than the owner—the occupier;

to commence restoration at a time after the end of that period of 10 business days.

(258) Schedule 3, clause 15, page 476 (after line 2), after subclause (2), insert:

- (2A) The notice under subclause (1) must contain a statement to the effect that, if a person suffers financial loss or damage in relation to property because of anything done by a carrier in engaging in the activity, compensation may be payable under clause 40.

(259) Schedule 3, clause 15, page 477 (after line 14), at the end of subclause (7), add:

- (e) an area that is:
 - (i) entered in the Register of the National Estate; or
 - (ii) entered in the Interim List for that Register; or
 - (iii) registered under a law of a State or Territory relating to heritage conservation; or
 - (iv) of particular significance to Aboriginal persons, or Torres Strait Islanders, in accordance with their traditions.

(260) Schedule 3, clause 25, page 483 (line 29), omit “environmental amenity”, substitute “the environment”.

Note: The heading to subclause 25(5) of Schedule 3 (page 485, line 8) is altered by omitting “*environmental amenity*” and substituting “*the environment*”.

(261) Schedule 3, clause 25, page 484 (lines 15 to 21), omit subparagraph (iii).

(262) Schedule 3, clause 25, page 486 (line 24), at the end of subparagraph (vi), add “or”.

(263) Schedule 3, clause 25, page 486 (after line 24), at the end of paragraph (a), add:

- (vii) could threaten with extinction, or significantly impede the recovery of, an endangered ecological community; or

- (viii) could have an adverse effect on an endangered ecological community; or
- (ix) could damage the whole or a part of the habitat of an endangered ecological community;

(264) Schedule 3, clause 25, page 487 (after line 16), after subclause (7), insert:

Deemed approvals by administrative authorities

(7A) The ACA may, by written instrument, determine that this clause has the effect it would have if it were assumed that a specified administrative authority had given a specified approval for the installation of one or more specified facilities. The determination has effect accordingly.

Note: For specification by class, see section 46 of the *Acts Interpretation Act 1901*.

(265) Schedule 3, clause 26, page 488 (after line 27), at the end of paragraph (a), add:

- (vii) could threaten with extinction, or significantly impede the recovery of, an endangered ecological community; or
- (viii) could have an adverse effect on an endangered ecological community; or
- (ix) could damage the whole or a part of the habitat of an endangered ecological community; or

(266) Schedule 3, clause 42, page 496 (lines 18 to 26), omit subclauses (1) and (2), substitute:

(1) The following provisions have effect:

- (a) a law of a State or Territory has no effect to the extent to which the law discriminates, or would have the effect (whether direct or indirect) of discriminating, against a particular carrier, against a particular class of carriers, or against carriers generally;
- (b) without limiting paragraph (a), a person is not entitled to a right, privilege, immunity or benefit, and must not exercise a power, under a law of a State or Territory to the extent to which the law discriminates, or would have the effect (whether direct or indirect) of discriminating, against a particular carrier, against a particular class of carriers, or against carriers generally;
- (c) without limiting paragraph (a), a person is not required to comply with a law of a State or Territory to the extent to which the law discriminates, or would have the effect (whether direct or indirect) of discriminating, against a particular carrier, against a particular class of carriers, or against carriers generally.

- (2) The following provisions have effect:
- (a) a law of a State or Territory has no effect to the extent to which the law discriminates, or would have the effect (whether direct or indirect) of discriminating, against a particular eligible user, against a particular class of eligible users, or against eligible users generally;
 - (b) without limiting paragraph (a), a person is not entitled to a right, privilege, immunity or benefit, and must not exercise a power, under a law of a State or Territory to the extent to which the law discriminates, or would have the effect (whether direct or indirect) of discriminating, against a particular eligible user, against a particular class of eligible users, or against eligible users generally;
 - (c) without limiting paragraph (a), a person is not required to comply with a law of a State or Territory to the extent to which the law discriminates, or would have the effect (whether direct or indirect) of discriminating, against a particular eligible user, against a particular class of eligible users, or against eligible users generally.

(267) Schedule 3, clause 42, page 496 (after line 30), at the end of the clause, add:

- (4) The Minister may, by written instrument, exempt a specified law of a State or Territory from subclause (1).

Note: For specification by class, see section 46 of the *Acts Interpretation Act 1901*.

- (5) The Minister may, by written instrument, exempt a specified law of a State or Territory from subclause (2).

Note: For specification by class, see section 46 of the *Acts Interpretation Act 1901*.

- (6) An exemption under subclause (4) or (5) may be unconditional or subject to such conditions (if any) as are specified in the exemption.

- (7) An instrument under subclause (4) or (5) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Note: The following are examples of a law of a State or Territory:

- (a) a provision of a State or Territory Act;
- (b) a provision of a legislative instrument made under a State or Territory Act.

(268) Schedule 3, clause 45, page 498 (lines 6 to 10), omit the clause, substitute:

45 Ownership of facilities

Unless the circumstances indicate otherwise, a facility, or a part of a facility, that is supplied, installed, maintained or operated by a carrier remains the property of its owner:

- (a) in any case—whether or not it has become (either in whole or in part), a fixture; and
 - (b) in the case of a network unit—whether or not a nominated carrier declaration is in force in relation to the network unit.
- (269) Schedule 3, clause 46, page 498 (lines 12 and 13), omit subclause (1), substitute:
- (1) The ACA may inform members of the public about the kinds and location of:
 - (a) designated overhead lines; and
 - (b) telecommunications transmission towers; and
 - (c) underground facilities.

Note: The heading to clause 46 of Schedule 3 (page 498, line 11) is altered by inserting “**designated overhead lines, telecommunications transmission towers and**” after “**about**”.

(270) Schedule 3, clause 46, page 498 (line 26), after “means of the”, insert “lines, towers or”.

(271) Schedule 3, clause 46, page 499 (after line 2), at the end of the clause, add:

(5) In this clause:

telecommunications transmission tower means:

- (a) a tower; or
- (b) a pole; or
- (c) a mast; or
- (d) a similar structure;

used to supply a carriage service by means of radiocommunications.

(272) Schedule 3, page 499, after clause 46, insert:

46A Review of options for placing facilities underground

- (1) Before 1 July 1998, the Minister must cause to be conducted a review of the options for placing facilities underground.
- (2) Those options are to include options for placing facilities underground as part of a co-ordinated program of placing other infrastructure underground (for example, electricity transmission and distribution infrastructure).
- (3) The Minister must cause to be prepared a report of the review.
- (4) The Minister must cause copies of the report to be laid before each House of the Parliament within 15 sitting days of that House after the completion of the preparation of the report.

(273) Schedule 3, page 499, after clause 46, insert:

46B Monitoring of progress in relation to placing facilities underground

The ACA is to monitor, and report to the Minister on, progress in relation to the implementation of efforts to place facilities underground.

(274) Schedule 3, page 499, after clause 46, insert:

46C Removal of certain overhead lines

(1) If:

- (a) an overhead line (the *eligible overhead line*) is attached to a pole (the *first pole*); and
- (b) the eligible overhead line, or a portion of the eligible overhead line, is suspended between the first pole and another pole (the *second pole*); and
- (c) the installation of the eligible overhead line was or is authorised by:
 - (i) this Act; or
 - (ii) section 116 of the *Telecommunications Act 1991*; or
 - (iii) Division 3 of Part 7 of the *Telecommunications Act 1991*; or
 - (iv) a repealed law of the Commonwealth; and
- (d) there is also attached to the first pole one or more other overhead cables, where at least one of the other overhead cables is a non-communications cable; and
- (e) each of the non-communications cables is permanently removed (either simultaneously or over a period) and is not replaced;

the owner of the eligible overhead line must, within 6 months after the completion of the last of the removals referred to in paragraph (e), permanently remove so much of the eligible overhead line as is suspended between the first pole and the second pole.

(2) If:

- (a) there is a local government body for the area in which the first pole is situated; and
- (b) there is no prescribed administrative authority for the State or Territory in which the first pole is situated;

the local government body may, by writing:

- (c) exempt the owner of the eligible overhead line from compliance with subclause (1) in relation to the first pole; or

- (d) extend the period of 6 months mentioned in subclause (1) for the purposes of the application of subclause (1) to the owner of the eligible overhead line and to the first pole.
- (3) If there is a prescribed administrative authority for the State or Territory in which the first pole is situated, the prescribed administrative authority may, by writing:
- (a) exempt the owner of the eligible overhead line from compliance with subclause (1) in relation to the first pole; or
 - (b) extend the period of 6 months mentioned in subclause (1) for the purposes of the application of subclause (1) to the owner of the eligible overhead line and to the first pole.
- (4) If:
- (a) there is no local government body for the area in which the first pole is situated; and
 - (b) there is no prescribed administrative authority for the State or Territory in which the first pole is situated;
- the regulations may make provision for and in relation to:
- (c) the exemption of the owner of the eligible overhead line from compliance with subclause (1) in relation to the first pole; and
 - (d) the extension of the period of 6 months mentioned in subclause (1) for the purposes of the application of subclause (1) to the owner of the eligible overhead line and to the first pole.
- (5) Regulations made for the purposes of subclause (4) may make provision with respect to a matter by conferring a power on the ACA.
- (6) This clause does not prevent 2 or more instruments under subclause (2) or (3) from being combined in the same document.
- (7) In this clause:

administrative authority means:

- (a) the holder of an office; or
- (b) an authority of a State or a Territory;

that performs administrative functions under a law of a State or a Territory.

line includes a disused line.

non-communications cable means an overhead cable (other than a line).

overhead cable means a wire or cable that is suspended above the surface of:

- (a) land (other than submerged land); or

- (b) a river, lake, tidal inlet, bay, estuary, harbour or other body of water.

overhead line means a line that is suspended above the surface of:

- (a) land (other than submerged land); or
- (b) a river, lake, tidal inlet, bay, estuary, harbour or other body of water.

prescribed administrative authority, in relation to a State or a Territory, means an administrative authority that:

- (a) performs administrative functions under a law of the State or the Territory; and
- (b) is specified in the regulations.

- (275) Schedule 3, clause 50, page 501 (line 11), at the end of subparagraph (vi), add “or”.
- (276) Schedule 3, clause 50, page 501 (after line 11), at the end of paragraph (a), add:
- (vii) could threaten with extinction, or significantly impede the recovery of, an endangered ecological community; or
 - (viii) could have an adverse effect on an endangered ecological community; or
 - (ix) could damage the whole or a part of the habitat of an endangered ecological community;
- (277) Schedule 3, clause 55, page 511 (lines 22 and 23), omit “the property of”, substitute “owned or operated by”.
- (278) Schedule 3, clause 55, page 511 (line 27), omit “*Telecommunications Act 1991.*”, substitute “*Telecommunications Act 1991*; or”.
- (279) Schedule 3, clause 55, page 511 (after line 27), at the end of the clause, add:
- (g) a repealed law of the Commonwealth.

- (280) Schedule 3, page 511, at the end of Part 2, add:

55A Existing buildings, structures and facilities—application of the common law

A rule of the common law that relates to trespass does not apply to the continued existence of a building, structure or facility that is owned or operated by a carrier to the extent that the construction or alteration of the building, structure or facility was or is authorised by:

- (a) section 116 of the *Telecommunications Act 1991*; or
- (b) Division 3 of Part 7 of the *Telecommunications Act 1991*; or
- (c) a repealed law of the Commonwealth.

On the motion of Mr W. L. Smith, the amendments were agreed to, after debate.

9 MESSAGE FROM THE SENATE—TRADE PRACTICES AMENDMENT (TELECOMMUNICATIONS) BILL 1996

The following message from the Senate was reported:

Message No. 180

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Trade Practices Act 1974*, 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.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, item 6, page 21 (after line 23), at the end of section 151BI, add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

- (2) Schedule 1, item 6, page 27 (after line 10), at the end of section 151BS, add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

- (3) Schedule 1, item 6, page 27 (after line 24), after Division 4, insert:

Division 4A—Tariff filing by Telstra

151BTA Tariff filing by Telstra

- (1) This section applies to a charge for a basic carriage service.
- (2) At least 7 days before:
 - (a) imposing a new charge; or
 - (b) varying a charge; or
 - (c) ceasing to impose a charge;

Telstra must give the Commission, in a form approved in writing by the Commission, a written statement setting out such information about Telstra's intentions as the Commission requires.

- (3) The Commission may, on the application of Telstra, make a written determination that subsection (2) has effect, in relation to a specified matter, as if the reference in that subsection to 7 days were a reference to such shorter period as specified in the determination.
- (4) A determination under subsection (3) has effect accordingly.

- (5) Divisions 6 and 7 apply to a contravention of subsection (2) in a corresponding way to the way in which they apply to a contravention of a tariff filing direction.
- (6) This section does not, by implication, limit the application of Division 4 to Telstra.
- (7) The Commission may, by written notice given to Telstra, exempt a charge for a specified basic carriage service from the scope of subsection (2).
- (8) A basic carriage service may be specified for the purposes of subsection (7) by reference to any or all of the following:
 - (a) the customers to whom the services are, or are proposed to be, supplied;
 - (b) the kinds of terms and conditions on which the services are, or are proposed to be, supplied.
- (9) Subsection (8) does not, by implication, limit subsection (7).
- (10) An exemption under subsection (7) may be unconditional or subject to such conditions (if any) as are specified in the exemption.
- (11) Section 151BQ applies to information given to the Commission under this section in a corresponding way to the way in which it applies to information given to the Commission in accordance with a tariff filing direction.
- (12) Section 151BS applies to information given to the Commission in purported compliance with this section in a corresponding way to the way in which it applies to information given to the Commission in purported compliance with a tariff filing direction.
- (13) In this section:

basic carriage service has the meaning given by section 174 of the *Telecommunications Act 1991*, as in force before 1 July 1997, but does not include a service supplied to an existing carrier.

existing carrier means a person who held a general telecommunications licence, or a public mobile licence, that was in force under the *Telecommunications Act 1991* immediately before 1 July 1997.

Telstra has the same meaning as in the *Telstra Corporation Act 1991*.

terms and conditions has the same meaning as in section 151BT.

variation, in relation to a charge, means a variation of the nature of the charge or the amount of the charge, or both.
- (4) Schedule 1, item 6, page 29 (after line 8), at the end of subsection (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

- (5) Schedule 1, item 6, page 47 (line 20), at the end of the definition of **content service**, add “, and includes a proposed content service”.
- (6) Schedule 1, item 6, page 93 (after line 7), at the end of subsection (4), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (7) Schedule 1, item 6, page 93 (after line 25), at the end of section 152DE, add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (8) Schedule 1, item 6, page 94 (after line 4), at the end of subsection 152DF(1), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (9) Schedule 1, item 6, page 94 (after line 15), at the end of section 152DG, add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (10) Schedule 1, item 6, page 94 (after line 28), at the end of subsection 152DH(2), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (11) Schedule 1, item 6, page 95 (line 8), omit “5 years”, substitute “12 months”.
- (12) Schedule 1, item 6, page 95 (after line 8), at the end of section 152DI, add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.
- (13) Schedule 1, item 6, page 95 (after line 24), at the end of subsection (2), add:
 Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications and the Arts), the amendments were agreed to, after debate.

10 MESSAGE FROM THE SENATE—AUSTRALIAN COMMUNICATIONS AUTHORITY BILL 1996

The following message from the Senate was reported:

Message No. 181

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to establish the Australian Communications Authority (ACA), 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.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 3, page 2, at the end of the outline, add:
 - The ACA must establish a committee to be known as the Consumer Consultative Forum.
- (2) Heading to Part 6, page 32 (line 2), at the end of the heading, add “**and the Consumer Consultative Forum**”.
- (3) Page 32 (after line 12), after clause 51, insert:

51A Consumer Consultative Forum

- (1) The ACA must, by writing, establish an advisory committee, to be known as the Consumer Consultative Forum, to assist the ACA in performing its functions in relation to matters affecting consumers.
- (2) The Consumer Consultative Forum consists of such persons as the ACA from time to time appoints to the Forum.
- (3) The ACA may give the Consumer Consultative Forum written directions as to:
 - (a) the way in which the Forum is to carry out its functions; and
 - (b) procedures to be followed in relation to meetings.
- (4) The powers conferred by subsection (1) do not, by implication, limit the powers conferred by subsection 51(1).
- (4) Clause 54, page 35 (after line 3), at the end of subclause (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications and the Arts), the amendments were agreed to.

11 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (CARRIER LICENCE CHARGES) BILL 1996

The following message from the Senate was reported:

Message No. 183

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to impose charges in relation to carrier licences under the *Telecommunications Act 1996***, and requests the House to amend the bill as indicated by the annexed schedule.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

- (1) Clause 15, page 5 (line 14), omit “carriers.”, substitute “carriers; and”.
- (2) Clause 15, page 5 (after line 14), at the end of subclause (1), add:
 - (d) the amount determined, in a written instrument made by the Minister, to be the estimated total amount of grants likely to be made during the financial year under section 576A of the *Telecommunications Act 1996*.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications and the Arts), the requested amendments were made.

12 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (NUMBERING CHARGES) BILL 1996

The following message from the Senate was reported:

Message No. 184

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to impose charges in relation to numbers allocated to certain carriage service providers under the *Telecommunications Act 1996***, and requests the House to amend the bill as indicated by the annexed schedule.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

- (1) Clause 5, page 2 (after line 25), after the definition of *numbering plan*, insert:

standard telephone service has the same meaning as in the *Telecommunications Act 1996*.
- (2) Clause 15, page 6 (after line 1), before subclause (1), insert:
 - (1A) A number is exempt from charge if the number is a geographic number allocated to a carriage service provider for the purposes of providing a standard telephone service to a customer.
- (3) Clause 22, page 8 (after line 17), before subclause (1), insert:
 - (1A) A number is exempt from charge if the number is a geographic number allocated to a carriage service provider for the purposes of providing a standard telephone service to a customer.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications and the Arts), the requested amendments were made.

13 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1996

The following message from the Senate was reported:

Message No. 185

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to enact transitional provisions, and to make consequential amendments, in connection with the enactment of the *Telecommunications Act 1996*, and for other 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.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 2, page 2 (line 11), omit “and 16”, substitute “, 16 and 23”.
- (2) Clause 39, page 24 (line 24), after “access agreement”, insert “, or a variation of an access agreement,”.
- (3) Clause 39, page 24 (line 29), after “access agreement”, insert “or by the variation, as the case requires”.
- (4) Clause 39, page 25 (after line 26), after subclause (13), insert:
 - (13A) An express reference in subsection (6) to a variation of an access agreement does not imply that references in other provisions of this Part to access agreements do not include references to access agreements as varied by variations of those agreements.
- (5) Page 27 (after line 10), after clause 40, insert:

40A Certain connection obligations to continue in force

- (1) If:
 - (a) immediately before 17 March 1997, an eligible service was connected to a telecommunications network operated by an existing carrier; and
 - (b) the connection was in fulfilment of the carrier’s obligations under section 234 of the *Telecommunications Act 1991*; and
 - (c) during the transitional period, a service provider who wishes to supply an eligible service (the *eligible carriage service*) gives the existing carrier a request to connect the eligible carriage service to the network; and
 - (d) the network will need to be used in the supply of the eligible carriage service; and

- (e) at the time of the request, the existing carrier is a carrier (within the meaning of the *Telecommunications Act 1996*); the carrier must connect the eligible carriage service.
- (2) The carrier must comply with subsection (1) on such terms and conditions as are specified in a written determination made by the ACCC.
- (3) The first determination under subsection (2) must be made before 1 July 1997.
- (4) The terms and conditions specified in a determination under subsection (2) must be reasonable.
- (5) Section 152AH of the *Trade Practices Act 1974* applies for the purposes of this section in a corresponding way to the way in which it applies for the purposes of Part XIC of that Act.
- (6) The carrier does not contravene its obligation under subsection (1) to connect a service to a network if the connection is delayed:
- (a) for a period that:
 - (i) is reasonable in the circumstances; and
 - (ii) is not substantially longer than the delay normally experienced for connection of a service of that type, and in that locality, to the network; or
 - (b) because a connection of the eligible carriage service is not technically feasible; or
 - (c) for reasons beyond the carrier's control.
- (7) This section does not impose an obligation on the carrier if there are reasonable grounds to believe that the service provider would fail, to a material extent, to comply with the terms and conditions on which the carrier complies, or on which the carrier is reasonably likely to comply, with that obligation.
- (8) Examples of grounds for believing as mentioned in subsection (7) include:
- (a) evidence that the service provider is not creditworthy; and
 - (b) repeated failures by the service provider to comply with the terms and conditions on which the same or a similar connection has been provided (whether or not by the carrier).
- (9) This section does not impose an obligation on a carrier after the end of the transitional period.
- (10) Part 1 of Schedule 1 to the *Telecommunications Act 1996* has effect as if subsection (1) of this section were a section of the *Telecommunications Act 1996*.
- (11) A reference in this section to **connecting a service to a network** includes a reference to connecting to the network a facility used in connection with the supply of the service.

(12) In this section, unless the contrary intention appears:

ACCC means the Australian Competition and Consumer Commission.

carriage service has the same meaning as in the *Telecommunications Act 1996*.

carrier has the same meaning as in the *Telecommunications Act 1996*.

connect means:

- (a) the act of connection; or
- (b) if the connection is already established—continue the connection in existence.

facility has the same meaning as in the *Telecommunications Act 1996*.

eligible service has the same meaning as in section 18 of the *Telecommunications Act 1991*, as in force before 1 July 1997.

existing carrier means a person who held a general telecommunications licence, or a public mobile licence, that was in force under the *Telecommunications Act 1991* immediately before 1 July 1997.

service provider has the same meaning as in the *Telecommunications Act 1996*.

telecommunications network has the same meaning as in the *Telecommunications Act 1996*.

transitional period means the period:

- (a) beginning on 1 July 1997; and
- (b) ending at the end of 31 December 1997 or such later date as the ACCC determines in writing.

(6) Page 27 (after line 10), after clause 40, insert:

40B Compensation—constitutional safety-net

(1) If:

- (a) apart from this section, the operation of section 40A would result in the acquisition of property from a person otherwise than on just terms; and
- (b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay compensation of a reasonable amount to the person in respect of the acquisition.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

(7) Page 27 (after line 10), after clause 40, insert:

40C Selection—transitional arrangements

(1) A person is not entitled to make a request under section 40A unless the person has given the ACCC, before 1 July 1997, a written notice reserving the person's right to make such a request.

(2) If a person gives the ACCC, before 1 July 1997, a written notice reserving the person's right to make a request under section 40A, section 42A does not apply to the person in the person's capacity as an access seeker referred to in section 42A.

(3) In this section:

ACCC means the Australian Competition and Consumer Commission.

(8) Page 29 (after line 13), after clause 42, insert:

42A Deemed agreements with existing carriers—terms and conditions relating to standard access obligations

(1) If:

- (a) at a time (the *determination time*) on or after 1 July 1997, a determination made by the ACCC under Division 8 of Part XIC of the *Trade Practices Act 1974* takes effect; and
- (b) the determination specifies the terms and conditions on which a carrier is to comply with a standard access obligation applicable to the carrier; and
- (c) the determination was made as a result of a dispute notified to the ACCC under subsection 152CM(1) of the *Trade Practices Act 1974* before 1 January 1998 by the carrier or by an access seeker; and
- (d) the determination was not made by way of the variation or replacement of a previous determination; and
- (e) the standard access obligation relates to the supply of a declared service specified in an instrument that the ACCC is taken to have made because of subsection 39(10); and
- (f) the carrier is a person who held a general telecommunications licence, or a public mobile licence, that was in force under the *Telecommunications Act 1991* immediately before 1 July 1997; and

- (g) the access seeker was the supplier of an eligible service (within the meaning of section 18 of the *Telecommunications Act 1991*) immediately before 19 February 1997; and
- (h) the declared service was supplied by the carrier to the access seeker, in fulfilment of the standard access obligation, at any time during the period (the *interim period*):
 - (i) beginning on 1 July 1997; and
 - (ii) ending at the determination time;

then, except for the purposes of Division 8 of Part XIC of the *Trade Practices Act 1974*:

- (i) the carrier and the access seeker are taken to have entered into an agreement about the terms and conditions on which the carrier is to comply with the standard access obligation in relation to the supply of the declared service; and
 - (j) those terms and conditions are taken to be identical to the terms and conditions specified in the determination; and
 - (k) the carrier and the access seeker are taken to have entered into that agreement immediately before the earliest time during the interim period when the declared service was supplied as mentioned in paragraph (h); and
 - (l) that agreement is taken to expire at the determination time.
- (2) Subsection (1) has effect despite any agreement actually entered into by the carrier and the access seeker.
 - (3) A reference in subsection (1) to a **declared service** does not include a reference to a service of a kind referred to in subsection 39(5).
 - (4) If, as a result of the operation of subsection (1), any money paid by the access seeker to the carrier has been overpaid, the carrier is liable to refund the overpayment.
 - (5) An amount payable under subsection (4) is a debt due to the access seeker and may be recovered by action in a court of competent jurisdiction.
 - (6) Subsection 152DO(7) of the *Trade Practices Act 1974* has effect as if this section were a provision of Part XIC of the *Trade Practices Act 1974*.
 - (7) In this section:

ACCC means the Australian Competition and Consumer Commission.

access seeker has the same meaning as in Part XIC of the *Trade Practices Act 1974*.

carrier has the same meaning as in the *Telecommunications Act 1996*.

declared service has the same meaning as in Part XIC of the *Trade Practices Act 1974*.

standard access obligation has the same meaning as in Part XIC of the *Trade Practices Act 1974*.

(9) Page 29 (after line 13), after clause 42, insert:

42B Compensation—constitutional safety-net

(1) If:

- (a) apart from this section, the operation of section 42A would result in the acquisition of property from a person otherwise than on just terms; and
- (b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;

the Commonwealth is liable to pay compensation of a reasonable amount to the person in respect of the acquisition.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

(10) Page 52 (before line 4), before clause 67, insert:

66A Termination time

For the purposes of this Division, the *termination time* is whichever is the earlier of:

- (a) the time when the first numbering plan made under section 439 of the *Telecommunications Act 1996* comes into effect; or
- (b) the beginning of 1 January 1998.

(11) Page 52 (before line 4), before clause 67, insert:

66B Existing numbering provisions to continue in force for a limited period

(1) Despite the repeal of the *Telecommunications Act 1991* by this Act, the existing numbering provisions continue to apply, until the termination time, as if:

- (a) the existing numbering provisions had not been repealed; and
- (b) each reference in the existing numbering provisions to a carrier (within the meaning of the *Telecommunications Act*

- 1991) were a reference to a carrier (within the meaning of the *Telecommunications Act 1996*); and
- (c) each reference in the existing numbering provisions to AUSTEL were a reference to the ACA; and
 - (d) each reference in the existing numbering provisions to a telecommunications service (within the meaning of the *Telecommunications Act 1991*) were a reference to a carriage service (within the meaning of the *Telecommunications Act 1996*); and
 - (e) each reference in the existing numbering provisions to the *Telecommunications Act 1991* were a reference to the *Telecommunications Act 1996*; and
 - (f) each reference in the existing numbering provisions to a public telecommunications network (within the meaning of the *Telecommunications Act 1991*) were a reference to a telecommunications network operated by a carrier (within the meaning of the *Telecommunications Act 1996*); and
 - (g) the national numbering plan prepared under section 239 of the *Telecommunications Act 1991* were modified as set out in a determination under subsection (2) of this section.
- (2) The ACA may make a written determination for the purposes of paragraph (1)(g).
- (3) Anything done by, or in relation to, AUSTEL under the existing numbering provisions before 1 July 1997, has effect, on and after 1 July 1997, as if it had been done by, or in relation to, the ACA.
- (4) In this section:
- ACA* means the Australian Communications Authority.
- AUSTEL* means the Australian Telecommunications Authority.
- existing numbering provisions* means the following provisions of the *Telecommunications Act 1991*:
- (a) the definitions of *allocation* and *public telecommunications network* in section 5;
 - (b) section 39;
 - (c) section 46, to the extent to which that section relates to section 39;
 - (d) Division 2 of Part 11.
- modifications* includes additions, omissions and substitutions.

(12) Page 52 (before line 4), before clause 67, insert:

66C Modification of certain references to the numbering plan

- (1) Until the termination time, the following provisions of the *Telecommunications Act 1996* have effect as if a reference in those

provisions to the numbering plan were a reference to a determination under subsection (2) of this section:

- (a) the definition of *emergency call service* in section 7;
 - (b) the definition of *emergency service organisation* in section 255;
 - (c) section 271.
- (2) The ACA may, by notice published in the *Gazette*, make a determination for the purposes of subsection (1).
- (3) Until the termination time, the following provisions of the *Telecommunications Act 1996* have effect as if a reference in those provisions to a number specified in the numbering plan as mentioned in subsection 439(3) of that Act were a reference to a number specified in a determination under subsection (4) of this section:
- (a) section 270;
 - (b) clause 10 of Schedule 2;
 - (c) clause 11 of Schedule 2.
- (4) The ACA may, by notice published in the *Gazette*, make a determination for the purposes of subsection (3).
- (13) Clause 67, page 52 (line 7), omit “beginning of 1 July 1997”, substitute “termination time”.
- Note: The heading to clause 67 (page 52, line 4) is altered by omitting “beginning of 1 July 1997” and substituting “termination time”.
- (14) Clause 68, page 53 (lines 2 and 3), omit “does not apply to an instrument made before 1 July 1997.”, substitute “applies to the first instrument made under section 439 of that Act as if each reference in section 444 of that Act to 90 days were a reference to 30 days.”.
- (15) Clause 75, page 60 (line 10), after “has effect”, insert “, until the termination time for the standard.”.
- (16) Clause 75, page 60 (after line 13), after paragraph (a), insert:
- (aa) the standard had taken effect at the beginning of 1 July 1997; and
- (17) Clause 75, page 60 (line 24), omit “standard”, substitute “standard; and”.
- (18) Clause 75, page 60 (after line 24), at the end of subclause (2), add:
- (e) subsections 361(2) and (3) of the *Telecommunications Act 1996* were not applicable to the standard.
- (19) Clause 75, page 60 (lines 25 to 28), omit subclause (3).
- (20) Clause 75, page 61 (after line 3), at the end of the clause, add:
- (5) In this section:
- termination time*, in relation to a standard, means the earlier of:
- (a) the time when another standard that:

- (i) is made under section 361 of the *Telecommunications Act 1996*; and
 - (ii) contains a declaration that it replaces the first-mentioned standard;

takes effect; or

 - (b) the beginning of 1 January 1998.
- (21) Clause 76, page 62 (lines 7 to 10), omit subclause (2), substitute:
 - (2) Part 23 of the *Telecommunications Act 1996* has effect, during the transitional period, as if:
 - (a) the BCS tariff were a standard form of agreement that had been formulated by the person for the purposes of section 463 of that Act at the beginning of 1 July 1997; and
 - (b) a reference in subsection 463(1) of that Act to a standard telephone service included a reference to each of the goods and services that were dealt with, or purportedly dealt with, in the BCS tariff.
 - (2A) Part 23 of the *Telecommunications Act 1996* has effect in relation to Telstra, during the transitional period, as if a reference in subsection 463(1) of that Act to a standard telephone service included a reference to:
 - (a) a carriage service that Telstra began to supply during the transitional period; and
 - (b) ancillary goods that Telstra began to supply during the transitional period; and
 - (c) an ancillary service that Telstra began to supply during the transitional period.
 - (2B) Subsection (2A) does not limit the application of subsection (2) to Telstra.
- (22) Clause 76, page 62 (line 11), after “prevent the”, insert “standard form of”.
- (23) Clause 76, page 62 (lines 19 to 22), omit paragraph (b), substitute:
 - (b) ending at the earlier of the following times:
 - (i) the end of 31 December 1997;
 - (ii) the time when the standard form of agreement corresponding to the tariff is revoked.
- (24) Clause 76, page 62 (after line 24), after the definition of *ACA*, insert:

ancillary goods means goods for use in connection with a carriage service.

ancillary service means a service for use in connection with a carriage service.

- (25) Clause 76, page 62 (after line 26), after the definition of *BCS tariff*, insert:

carriage service has the same meaning as in the *Telecommunications Act 1996*.

Telstra has the same meaning as in the *Telstra Corporation Act 1991*.

- (26) Page 62 (after line 26), at the end of Part 3, add:

Division 22—Transitional provisions relating to the customer service guarantee

76A Definitions

In this Division:

ACA means the Australian Communications Authority.

AUSTEL means the Australian Telecommunications Authority.

76B Standard assumptions for the purpose of this Division

For the purposes of the application of this Division to a particular instrument, the following are the *standard assumptions*:

- (a) the assumption that each reference in the instrument to the *Telecommunications Act 1991* were a reference to the *Telecommunications Act 1996*; and
- (b) the assumption that each reference in the instrument to a provision of Division 6 of Part 5 of the *Telecommunications Act 1991* were a reference to the corresponding provision of Part 9 of the *Telecommunications Act 1996*; and
- (c) the assumption that each reference in the instrument to a carrier or service provider (within the meaning of Division 6 of Part 5 of the *Telecommunications Act 1991*) were a reference to a carriage service provider (within the meaning of the *Telecommunications Act 1996*); and
- (d) the assumption that each reference in the instrument to a standard telephone service (within the meaning of the *Telecommunications Act 1991*) were a reference to a standard telephone service (within the meaning of the *Telecommunications Act 1996*) supplied by means of:
 - (i) a public switched telephone service line; and
 - (ii) a telephone handset that does not have switching functions; and
- (e) the assumption that each reference in the instrument to a telecommunications service (within the meaning of the *Telecommunications Act 1991*) were a reference to a carriage service (within the meaning of the *Telecommunications Act 1996*); and

- (f) the assumption that each reference in the instrument to AUSTEL were a reference to the ACA.

76C Performance standards to continue in force

- (1) This section applies to a standard in force under section 87E of the *Telecommunications Act 1991* immediately before 1 July 1997.
- (2) The *Telecommunications Act 1996* has effect as if:
 - (a) the standard had been determined by the ACA under section 224 of the *Telecommunications Act 1996* at the beginning of 1 July 1997; and
 - (b) the standard had taken effect at the beginning of 1 July 1997; and
 - (c) the standard assumptions were made in relation to the standard.

76D Directions to continue in force

- (1) This section applies to a direction in force under section 87P of the *Telecommunications Act 1991* immediately before 1 July 1997.
- (2) The *Telecommunications Act 1996* has effect as if:
 - (a) the direction had been given to the ACA by the Minister under section 232 of the *Telecommunications Act 1996* at the beginning of 1 July 1997; and
 - (b) the standard assumptions were made in relation to the direction.

76E Scale of damages to continue in force

- (1) This section applies to a scale of damages in force under section 87G of the *Telecommunications Act 1991* immediately before 1 July 1997.
- (2) The *Telecommunications Act 1996* has effect as if:
 - (a) the scale had been specified by the ACA under section 226 of the *Telecommunications Act 1996* at the beginning of 1 July 1997; and
 - (b) the scale had taken effect at the beginning of 1 July 1997; and
 - (c) the standard assumptions were made in relation to the scale.

76F Consent by Telecommunications Industry Ombudsman to continue in force

- (1) This section applies to a consent by the Telecommunications Industry Ombudsman in force under subsection 87H(4) of the *Telecommunications Act 1991* immediately before 1 July 1997.
- (2) The *Telecommunications Act 1996* has effect as if:

- (a) the consent had been given by the Telecommunications Industry Ombudsman under subsection 227(4) of the *Telecommunications Act 1996* at the beginning of 1 July 1997; and
- (b) the requirements set out in subsection 227(6) of that Act had been complied with in relation to the consent; and
- (c) the standard assumptions were made in relation to the consent.

76G Instruments making provision for waiver of guarantee to continue in force

- (1) This section applies to an instrument in force under subsection 87J(1) of the *Telecommunications Act 1991* immediately before 1 July 1997.
- (2) The *Telecommunications Act 1996* has effect as if:
 - (a) the instrument had been made by the ACA under subsection 228(1) of the *Telecommunications Act 1996* at the beginning of 1 July 1997; and
 - (b) the instrument had taken effect at the beginning of 1 July 1997; and
 - (c) the standard assumptions were made in relation to the instrument.

76H Waivers to continue in force

- (1) This section applies to a waiver in force under an instrument made under subsection 87J(1) of the *Telecommunications Act 1991*, where the waiver was in force immediately before 1 July 1997.
- (2) The *Telecommunications Act 1996* has effect as if:
 - (a) the waiver had been given in accordance with an instrument made under subsection 228(1) of the *Telecommunications Act 1996*; and
 - (b) the waiver had been given at the beginning of 1 July 1997; and
 - (c) the standard assumptions were made in relation to the waiver.

76J Evidentiary certificates to continue to apply

Despite the repeal of the *Telecommunications Act 1991* by this Act, subsections 87H(1), (2) and (3) of that Act continue to apply, in relation to contraventions that occurred before 1 July 1997, as if that repeal had not been made.

Note: For savings in relation to contraventions that occurred before 1 July 1997, see section 8 of the *Acts Interpretation Act 1901*.

76K Revocation and variation of instruments

This Division does not prevent the revocation or variation of an instrument.

Division 23—Transitional provisions relating to carriers' powers and immunities

76L Instrument to be made before 1 July 1997—low-impact facilities

- (1) This section applies to an instrument under subclause 5(3) of Schedule 3 to the *Telecommunications Act 1996*.

Note: Subclause 5(3) of Schedule 3 to the *Telecommunications Act 1996* deals with the specification of low-impact facilities for the purposes of clause 5 of that Schedule.

- (2) The first instrument is to be made, in accordance with section 4 of the *Acts Interpretation Act 1901*, before 1 July 1997.

76M Instrument to be made before 1 July 1997—Code of Practice

- (1) This section applies to an instrument under subclause 13(1) of Schedule 3 to the *Telecommunications Act 1996*.

Note: Subclause 13(1) of Schedule 3 to the *Telecommunications Act 1996* deals with a Code of Practice in relation to the carrying out by carriers of activities authorised under Division 2, 3 or 4 of Part 1 of that Schedule.

- (2) The first instrument is to be made, in accordance with section 4 of the *Acts Interpretation Act 1901*, before 1 July 1997.

- (27) Schedule 2, page 79 (after line 12), after item 22, insert:

22A At the end of section 259

Add:

- (2) For the purposes of subsection (1), the ACA is taken not to have provided a reasonable opportunity to make submissions unless there is a period of at least 28 days during which the submissions could be made.

- (28) Schedule 2, item 23, page 81 (after line 7), at the end of subsection 261B(4), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

- (29) Schedule 2, item 23, page 81 (after line 24), at the end of subsection 261C(4), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

- (30) Schedule 2, item 62, page 91 (after line 8), at the end of subsection (2), add:

Note: See also sections 4AA and 4B of the *Crimes Act 1914*.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications and the Arts), the amendments were agreed to.

14 MESSAGE FROM THE SENATE—RADIOCOMMUNICATIONS AMENDMENT BILL 1996

The following message from the Senate was reported:

Message No. 189

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Radiocommunications Act 1992*, 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.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, item 46, page 16 (lines 15 and 16), omit “This subsection has effect subject to section 153C (which deals with the 900 MHz Band Plan).”.
- (2) Schedule 1, item 46, page 16 (lines 19 and 20), omit “This subsection has effect subject to section 153C (which deals with the 900 MHz Band Plan).”.
- (3) Schedule 1, item 46, page 17 (line 13) to page 18 (line 4), omit section 153C.
- (4) Schedule 1, item 46, page 18 (line 14), omit “either”, substitute “both”.
- (5) Schedule 1, item 46, page 18 (line 15), omit “give”, substitute “as far as practicable, make reasonable efforts to give”.
- (6) Schedule 1, item 46, page 18 (line 16), omit “or”, substitute “and”.
- (7) Schedule 1, item 46, page 20 (line 9), omit “either”, substitute “both”.
- (8) Schedule 1, item 46, page 20 (line 10), omit “give”, substitute “as far as practicable, make reasonable efforts to give”.
- (9) Schedule 1, item 46, page 20 (line 11), omit “or”, substitute “and”.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications and the Arts), the amendments were agreed to.

15 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (NUMBERING FEES) AMENDMENT BILL 1996

The following message from the Senate was reported:

Message No. 190

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Telecommunications (Numbering Fees) Act 1991***, and requests the House to amend the bill as indicated by the annexed schedule.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

- (1) Schedule 1, item 3, page 4 (after line 14), after the definition of *service provider*, insert:

standard telephone service has the same meaning as in the *Telecommunications Act 1991*.

- (2) Schedule 1, item 3, page 7 (after line 4), before subsection (1), insert:

- (1A) A number is exempt from charge if the number is a geographic number allocated to a carrier or service provider for the purposes of providing a standard telephone service to a customer.

On the motion of Mr W. L. Smith (Minister representing the Minister for Communications and the Arts), the requested amendments were made.

16 MESSAGES FROM THE SENATE

Messages from the Senate, dated 24 March 1997, were reported returning the following Bills without amendment:

Message—

No. 182—Telecommunications (Universal Service Levy) 1996 (*without requests*).

No. 186—Telecommunications (Carrier Licence Fees) Termination 1996 (*without requests*).

No. 187—Radiocommunications (Transmitter Licence Tax) Amendment 1996.

No. 188—Radiocommunications (Receiver Licence Tax) Amendment 1996.

No. 191—Telecommunications Amendment 1996.

17 MESSAGE FROM THE SENATE

Message No. 193, dated 25 March 1997, from the Senate was reported acquainting the House of the following resolution agreed to by the Senate:

That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority, on behalf of the Department of Communications and the Arts, for capital works within the Parliamentary Zone, being the redevelopment of the rear court of Old Parliament House.

18 MESSAGES FROM THE SENATE

Messages from the Senate, dated 25 March 1997, were reported returning the following Bills without amendment:

Message—

No. 194—Appropriation (Parliamentary Departments) (No. 2) 1996-97.

No. 195—Appropriation (No. 3) 1996-97 (*without requests*).

No. 196—Appropriation (No. 4) 1996-97.

19 PARLIAMENTARY ZONE—IMPROVEMENTS TO OLD PARLIAMENT HOUSE REAR COURT—APPROVAL OF PROPOSAL

Mr W. L. Smith (Minister for Sport, Territories and Local Government), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 20 March 1997, namely: Improvements to old Parliament House rear court.

Question—put and passed.

20 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT (MALE TOTAL AVERAGE WEEKLY EARNINGS BENCHMARK) BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr P. J. Baldwin, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House condemns the Government for continuing to mislead Australian pensioners by introducing a bill which includes a completely inadequate mechanism for maintaining the single rate of pension at 25 percent of male total average weekly earnings, for the following reasons:

- (1) the bill contains a sunset provision which means that the commitment only extends for five years; and as such provides no long-term security for pensioners;
- (2) the bill as drafted gives effect to a new, and much more parsimonious, interpretation of the commitment than that of the previous Labor government since it only guarantees that the commitment will be met at the two annual indexation points, with the possibility of pensions falling significantly below the benchmark between adjustments;
- (3) the bill makes no provision for the maintenance of the link to a number of other Social Security payments, particularly payments to partnered unemployed people and those with dependant children; and
- (4) the bill does nothing to redress the multi-faceted assault by this government on the living standards of pensioners through such measures as increased costs for pharmaceuticals, for nursing home accommodation and for other services”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Mrs Crosio, in the Chair)—

AYES, 84

Mr Abbott	Mr Downer	Mr Lindsay	Mr Scott
Mr Anderson	Mrs Elson	Mr Lloyd	Mr Sharp
Mr J. N. Andrew	Mr Entsch	Mr McArthur*	Mr Sinclair
Mr Anthony	Mr R. D. C. Evans	Mr McDougall	Mr Slipper
Mrs Bailey	Mr Fahey	Mr McGauran	Mr A. C. Smith
Mr R. C. Baldwin	Mr Fischer	Mr McLachlan	Mr W. L. Smith
Mr Barresi	Mrs Gallus	Mr Marek	Mr Somlyay
Mr Bartlett	Ms Gambaro	Mr Miles	Dr Southcott
Mr Billson	Mrs Gash	Mr Moore	Mrs Stone
Mrs Bishop	Mr Georgiou	Mrs Moylan	Mr Taylor
Mr Bradford	Mrs E. J. Grace	Mr Mutch	Mr A. P. Thomson
Mr Broadbent	Mr Hardgrave	Mr Nairn	Mr Truss
Mr Brough	Mr Hawker	Mr Nehl	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr Neville	Mr M. A. J. Vaile
Mr E. H. Cameron	Mr Hockey	Mr Prosser	Ms D. S. Vale
Mr R. A. Cameron	Ms Jeanes	Mr Pyne	Mr Wakelin
Mr Causley	Mrs Johnston	Mr Randall	Mrs West
Mr Charles	Mr Jull	Mr Reid	Mr Williams
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Dr Wooldridge
Mr Costello	Dr Kemp	Mr Ronaldson	Ms Worth*
Mr Dondas	Mr Lieberman	Mr Ruddock	Mr Zammit

NOES, 42

Mr Adams	Mr M. J. Evans	Dr Lawrence	Mr Quick
Mr Albanese	Mr L. D. T. Ferguson	Mr Lee	Mr Sawford*
Mr P. J. Baldwin	Mr M. J. Ferguson	Mr McClelland	Mr Sercombe
Mr Beddall	Mr Fitzgibbon	Mr McLeay	Mr S. F. Smith
Mr Bevis	Mr E. L. Grace*	Mr McMullan	Mr Tanner
Mr Brereton	Mr Griffin*	Mr Martin	Dr Theophanous
Mr Brown	Mr Hatton	Mr P. F. Morris	Mr K. J. Thomson
Mr Crean	Mr Hollis	Mr Mossfield	Mr Willis
Mr Dargavel	Mr Jenkins	Mr O'Connor	Mr Wilton
Ms Ellis	Mr Jones	Mr O'Keefe	
Mr G. J. Evans	Mr Latham	Mr Price	

* Tellers

And so it was resolved in the affirmative.

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

Message from the Governor-General: Message No. 118, dated 25 March 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr W. L. Smith (Minister for Sport, Territories and Local Government), the Bill was read a third time.

21 SOCIAL SECURITY LEGISLATION AMENDMENT (WORK FOR THE DOLE) BILL 1997

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 by Mr P. J. Baldwin who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading the House:

- (1) is of the view that the Bill is unacceptable in its present form because it will:
 - (a) displace existing workers;
 - (b) lead to below award payments, particularly in the community services industry;
 - (c) not guarantee participants accredited on or off the job training;
 - (d) not provide appropriate case management and supervision to participants to assist them to make decisions about taking up any opportunities under the proposed arrangements;
 - (e) not provide appropriate legislative coverage and financial support for workers’ compensation, superannuation, occupational health and safety and industrial relations protection;
 - (f) not guarantee placements for the minimum required period of 6 months;
 - (g) not require organisations contracting to provide employment projects:
 - (i) to state the proportion of people who will obtain permanent employment following the placement; and
 - (ii) measure future contracts against performance in this respect; and
 - (h) waste time and effort on further trials instead of replicating and building upon the successful aspects of real labour market and training programs under Working Nation such as LEAP and New Work Opportunities; and further
- (2) also calls on the Government to apply the concept of reciprocal obligation to other public sector outlays, especially financial assistance to large private sector corporations”.

Debate continued.

It being 2 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.

22 ACADEMY AWARDS

Mr Howard (Prime Minister), by indulgence, congratulated Mr Geoffrey Rush and Mr John Seale for their achievements in winning Academy Awards.

Mr Beazley (Leader of the Opposition), by indulgence, also extended his congratulations.

23 QUESTIONS

Questions without notice were asked.

24 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 29 of 1996-97—Preliminary study—Management of corporate sponsorship.

Mr Reith (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 29 of 1996-97; and
- (2) the report be printed.

Question—put and passed.

25 PAPERS

The following papers were presented:

Australia-Korea Foundation—Report for 1995-96.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report, September 1996—Australian aid program—Proceedings of a seminar, 31 July 1996, Canberra—Government response.

United Nations—

Committee on the Elimination of Racial Discrimination under the Convention on the Elimination of All Forms of Discrimination—Communication No. 8/1996—Outline.

Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights—Communication—No. 557/1993—Final decision (CCPR/C/57/D/557/1993).

No. 655/1995—Notice of discontinuance.

No. 659/1995—Final decision (CCPR/C/58/D/659/1995).

No. 681/1996—Outline.

No. 692/1996—Outline.

No. 700/1996—Final decision (CCPR/C/58/D/700/1996).

No. 706/1996—Outline.

No. 723/1996—Outline.

26 SPECIAL ADJOURNMENT

Mr Reith (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 13 May 1997, at 2 p.m. unless otherwise called together by the Speaker, or, in the event of the Speaker being unavailable, by the Deputy Speaker.

Question—put and passed.

27 LEAVE OF ABSENCE TO ALL MEMBERS

Mr Reith (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

28 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—USE OF VIDEOCONFERENCING

Mr Reith (Leader of the House), by leave, moved—

(1) That the House authorises the use of electronic communication devices by the Standing Committee on Employment, Education and Training in order to:

- (a) take oral evidence from a witness who is not in attendance at a meeting of the committee; and
- (b) enable one or more members of the committee who are not in attendance to participate in a public or private meeting of the committee;

as provided for by this resolution.

(2) That the committee, in using electronic communication devices, shall adhere to the following conditions:

- (a) the committee must authorise by resolution each occasion the committee is to meet, or on which evidence is to be heard from a witness in a remote location, using electronic means;
- (b) a quorum of members must be in attendance at one location within Australia or its territories;
- (c) *in camera* evidence must not be heard by electronic means from a witness in a remote location;
- (d) members who are not in attendance at a meeting of the committee may not vote; and
- (e) before proceeding to make use of electronic communication at a meeting the committee shall consider the following factors:
 - (i) whether any benefit can be gained from the use of electronic communication compared with traditional techniques;
 - (ii) whether the anticipated evidence is from a subject specialist or expert or is of a non-contentious nature;
 - (iii) whether it is necessary for a witness to be tested rigorously for truthfulness;
 - (iv) whether the administration of an oath is necessary (which would, unlike an affirmation, require the presence of an authorised officer to administer);
 - (v) whether the identification of a proposed witness is acceptable;

- (vi) the real cost comparisons of alternative means of evidence collection, taking into account the possibility that videoconferencing may involve significant additional costs to the committee, whereas the costs of members' travel are met from Special Appropriations and not from the committee's budget;
- (vii) the value of the committee being present at a location away from Canberra;
- (viii) the value of the public being able to physically see the committee in action; and
- (ix) any other matters the committee may consider relevant.

For the purposes of these conditions "in attendance" means physically present at a meeting of the committee.

- (3) That this resolution continue in force until 26 June 1997.

Question—put and passed.

29 DIVISIONS—SESSIONAL ORDERS

Mr Reith (Leader of the House), by leave, moved—That the amendments to the standing orders relating to divisions, which were adopted by the House on 6 March 1997, continue to operate until the end of the winter period.

Debate ensued.

Question—put and passed.

30 SEXUAL HEALTH AND HIV/AIDS IN ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES—MINISTERIAL STATEMENT AND PAPERS

Dr Wooldridge (Minister for Health and Family Services), by leave, made a ministerial statement concerning sexual health and HIV/AIDS in Aboriginal and Torres Strait Islander communities and presented the following papers:

ANCARD working party on indigenous Australians' sexual health—National indigenous Australians' sexual health strategy 1996-97 to 1998-99, March 1997.

National sexual health strategy for Aboriginal and Torres Strait Islander people, 26 March 1997.

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

31 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT COMPETENCE

The House was informed that Mr Beazley (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The competence of the Government which is presiding over rising unemployment, low growth, collapsing retirement benefits and a decline in Australia's standing in the region".

The proposed discussion having received the necessary support—

Mr Beazley addressed the House.

Discussion ensued.

Discussion concluded.

32 MEMBERS' INTERESTS COMMITTEE—PAPER

Mr Reid (Chair) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 38th Parliament—Notifications of alterations of interests and a statement of registrable interests received during the period 12 December 1996 to 25 March 1997.

33 PUBLICATIONS COMMITTEE—9TH REPORT

Mr Lieberman (Chair) presented the following paper:

PUBLICATIONS COMMITTEE 9TH REPORT

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

The Committee, having considered petitions and documents presented to the Parliament since 4 March 1997, recommends that the following be printed:

Aboriginal Land Rights (Northern Territory) Act—Reports for 1995-96—
Anindilyakwa Land Council.

Central Land Council.

Northern Land Council.

Tiwi Land Council.

Commonwealth Electoral Act—Redistribution into electoral divisions 1997—
Western Australia—Volume 1 and Erratum.

Telecommunications (Interception) Act—Report for 1995-96.

Torres Strait Fisheries Act—Protected Zone Joint Authority—Report for 1994-
95.

LOU LIEBERMAN

Chair

26 March 1997

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

Question—put and passed.

**34 INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT
BILL 1997**

Mr Reith (Minister for Industrial Relations) presented a Bill for an Act to amend the *Industrial Chemicals (Notification and Assessment) Act 1989* and the *National Occupational Health and Safety Commission Act 1985*, and for related purposes.

Bill read a first time.

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

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

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

35 INDUSTRIAL CHEMICALS (REGISTRATION CHARGE—EXCISE) BILL 1997

Mr Reith (Minister for Industrial Relations) presented a Bill for an Act to impose a charge on the registration of certain importers and manufacturers of certain industrial chemicals, so far as that charge is a duty of excise.

Bill read a first time.

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

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

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

36 INDUSTRIAL CHEMICALS (REGISTRATION CHARGE—CUSTOMS) BILL 1997

Mr Reith (Minister for Industrial Relations) presented a Bill for an Act to impose a charge on the registration of certain importers and manufacturers of certain industrial chemicals, so far as that charge is a duty of customs.

Bill read a first time.

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

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

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

37 INDUSTRIAL CHEMICALS (REGISTRATION CHARGE—GENERAL) BILL 1997

Mr Reith (Minister for Industrial Relations) presented a Bill for an Act to impose a charge on the registration of certain importers and manufacturers of certain industrial chemicals, so far as that charge is neither a duty of customs nor a duty of excise.

Bill read a first time.

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

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

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

38 HEALTH INSURANCE AMENDMENT BILL (NO. 1) 1997

Mr Ruddock (Minister for Immigration and Multicultural Affairs), for Dr Wooldridge (Minister for Health and Family Services), pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Act 1973*, and for related purposes.

Bill read a first time.

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

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

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

39 SOCIAL SECURITY LEGISLATION AMENDMENT (ACTIVITY TEST PENALTY PERIODS) BILL 1997

Mr Ruddock (Minister representing the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the law relating to social security, and for related purposes.

Bill read a first time.

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

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

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

40 AGED CARE BILL 1997

Mrs Moylan (Minister for Family Services), pursuant to notice, presented a Bill for an Act relating to aged care, and for other purposes.

Bill read a first time.

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

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

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

41 EXCISE TARIFF AMENDMENT BILL (NO. 2) 1997

Mr Prosser (Minister for Small Business and Consumer Affairs) presented a Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Bill read a first time.

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

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

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

42 PETROLEUM EXCISE (PRICES) AMENDMENT BILL 1997

Mr Prosser (Minister for Small Business and Consumer Affairs), pursuant to notice, presented a Bill for an Act to amend the *Petroleum Excise (Prices) Act 1987*, and for related purposes.

Bill read a first time.

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

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

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

43 CUSTOMS TARIFF PROPOSAL

Mr Prosser (Minister for Small Business and Consumer Affairs) moved Customs Tariff Proposal No. 2 (1997).

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

44 VETERANS' AFFAIRS LEGISLATION AMENDMENT (BUDGET AND SIMPLIFICATION MEASURES) BILL 1997

Mr Scott (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to veterans' affairs, and for related purposes.

Bill read a first time.

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

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

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

45 MESSAGE FROM THE SENATE—COMMONWEALTH SERVICES DELIVERY AGENCY BILL 1996

The following message from the Senate was reported:

Message No. 197

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to establish an agency for the provision of certain Commonwealth 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.

MARGARET REID

President

The Senate

26 March 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 14, page 8 (after line 5), after subclause (1), insert:
 - (1A) Particulars of any notifications given by the Minister under this section in a financial year must be included in the annual report for the Agency for that year.
- (2) Clause 30, page 15 (after line 12), after subclause (1), insert:
 - (1A) The Board must not make a determination under subsection (1) before it has obtained advice from the Remuneration Tribunal in

relation to the terms and conditions, including remuneration and allowances, on which the Chief Executive Officer is to hold office.

(1B) Particulars of any advice obtained from the Remuneration Tribunal under this section in a financial year must be included in the annual report for the Agency for that year.

(3) Clause 35, page 17 (lines 12 to 14), omit subclause (3).

On the motion of Mr Ruddock (Minister representing the Minister for Social Security), the amendments were agreed to, after debate.

46 MESSAGE FROM THE SENATE—COMMONWEALTH SERVICES DELIVERY AGENCY (CONSEQUENTIAL AMENDMENTS) BILL 1997

Message No. 198, dated 26 March 1997, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to deal with consequential and other matters arising from the enactment of the *Commonwealth Services Delivery Agency Act 1997*, and for related purposes.

Bill read a first time.

Mr Ruddock (Minister representing the Minister for Social Security) moved—That the Bill be now read a second time.

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

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Ruddock, the Bill was read a third time.

47 MESSAGE FROM THE SENATE—AVIATION LEGISLATION AMENDMENT BILL (NO. 1) 1997

The following message from the Senate was reported:

Message No. 199

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend various Acts relating to aviation, 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.

MARGARET REID

President

The Senate

26 March 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

(1) Schedule 1, item 2, page 4 (after line 25), after subsection (3), insert:

- (3A) In deciding whether to make a determination under subsection (3), the Secretary is to have regard to the following matters (except to the extent, if any, to which the matters concerned relate to the safety of air navigation):
- (a) the public interest, including but not limited to:
 - (i) the need of people to travel on, or to send cargo and mail by, aircraft; and
 - (ii) the promotion of trade and tourism to and from Australia; and
 - (iii) if the application relates to a program of flights to or from Australia—whether there is to be a wide range of places in Australia that will be served under the program; and
 - (iv) if foreign interests hold substantial ownership and effective control of a charterer or a charter operator—employment and investment in, and general development of, the Australian Aviation industry; and
 - (v) aviation security; and
 - (vi) Australia's international relations;
 - (b) the availability of capacity (within the meaning of the *International Air Services Commission Act 1992*) on scheduled international air services, and any relevant determination made by the International Air Services Commission in respect of the allocation of capacity on those services;
 - (c) any relevant advice on matters referred to in paragraph (a) that is provided to the Minister by that Commission under paragraph 6(2)(c) of that Act; and
 - (d) any other matter that the Secretary thinks relevant.
- (2) Schedule 1, item 2, page 8 (after line 11), after subparagraph (iii), insert:
- (iiia) if foreign interests hold substantial ownership and effective control of the charterer or the charter operator—employment and investment in, and general development of, the Australian Aviation industry; and

On the motion of Mr Ronaldson (Parliamentary Secretary to the Minister for Transport and Regional Development), the amendments were agreed to, after debate.

48 NORTHERN TERRITORY LEGISLATIVE ASSEMBLY—CONSTITUTIONAL DEVELOPMENT—SESSIONAL COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER

Mr Dondas, by leave, presented the following paper:

Northern Territory Legislative Assembly—Constitutional Development—Sessional Committee—Foundations for a common future: Report on paragraph 1(a) of the Committee's terms of reference on a final draft constitution for the Northern Territory—Volumes 1 to 6, November 1996—

and, by leave, made a statement in connection with the report.

Mr Ronaldson (Parliamentary Secretary to the Minister for Transport and Regional Development), by leave, moved—That the House take note of the paper.

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

49 TAXATION LAWS AMENDMENT BILL (NO. 3) 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

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

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

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

50 INCOME TAX RATES AMENDMENT BILL (NO. 1) 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the *Income Tax Rates Act 1986*, and for related purposes.

Bill read a first time.

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

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

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

51 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 1) 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the *International Tax Agreements Act 1953*, and for related purposes.

Bill read a first time.

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

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

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

52 TAXATION LAWS AMENDMENT (INFRASTRUCTURE BORROWINGS) BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the law relating to infrastructure borrowings.

Bill read a first time.

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

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

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

53 SOCIAL SECURITY LEGISLATION AMENDMENT (WORK FOR THE DOLE) BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr P. J. Baldwin, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading the House:

- (1) is of the view that the Bill is unacceptable in its present form because it will:
 - (a) displace existing workers;
 - (b) lead to below award payments, particularly in the community services industry;
 - (c) not guarantee participants accredited on or off the job training;
 - (d) not provide appropriate case management and supervision to participants to assist them to make decisions about taking up any opportunities under the proposed arrangements;
 - (e) not provide appropriate legislative coverage and financial support for workers’ compensation, superannuation, occupational health and safety and industrial relations protection;
 - (f) not guarantee placements for the minimum required period of 6 months;
 - (g) not require organisations contracting to provide employment projects:
 - (i) to state the proportion of people who will obtain permanent employment following the placement; and
 - (ii) measure future contracts against performance in this respect; and
 - (h) waste time and effort on further trials instead of replicating and building upon the successful aspects of real labour market and training programs under Working Nation such as LEAP and New Work Opportunities; and further
- (2) also calls on the Government to apply the concept of reciprocal obligation to other public sector outlays, especially financial assistance to large private sector corporations”—

Debate resumed.

Debate adjourned (Mr O'Keefe), and the resumption of the debate made an order of the day for a later hour this day.

54 NORTHERN TERRITORY LEGISLATIVE ASSEMBLY—CONSTITUTIONAL DEVELOPMENT—SESSIONAL COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Ronaldson (Parliamentary Secretary to the Minister for Transport and Regional Development)—That the House take note of the paper (*presented this day*), viz.:

Northern Territory Legislative Assembly—Constitutional Development—Sessional Committee—Foundations for a common future: Report on paragraph 1(a) of the Committee's terms of reference on a final draft constitution for the Northern Territory—Volumes 1 to 6, November 1996—

Debate resumed.

Debate adjourned (Dr Wooldridge—Minister for Health and Family Services), and the resumption of the debate made an order of the day for the next sitting.

55 SOCIAL SECURITY LEGISLATION AMENDMENT (WORK FOR THE DOLE) BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr P. J. Baldwin, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading the House:

- (1) is of the view that the Bill is unacceptable in its present form because it will:
 - (a) displace existing workers;
 - (b) lead to below award payments, particularly in the community services industry;
 - (c) not guarantee participants accredited on or off the job training;
 - (d) not provide appropriate case management and supervision to participants to assist them to make decisions about taking up any opportunities under the proposed arrangements;
 - (e) not provide appropriate legislative coverage and financial support for workers' compensation, superannuation, occupational health and safety and industrial relations protection;
 - (f) not guarantee placements for the minimum required period of 6 months;
 - (g) not require organisations contracting to provide employment projects:
 - (i) to state the proportion of people who will obtain permanent employment following the placement; and

- (ii) measure future contracts against performance in this respect; and
 - (h) waste time and effort on further trials instead of replicating and building upon the successful aspects of real labour market and training programs under Working Nation such as LEAP and New Work Opportunities; and further
- (2) also calls on the Government to apply the concept of reciprocal obligation to other public sector outlays, especially financial assistance to large private sector corporations”—

Debate resumed.

Debate adjourned (Dr Nelson), and the resumption of the debate made an order of the day for a later hour this day.

56 MESSAGE FROM THE SENATE—EXPORT MARKET DEVELOPMENT GRANTS BILL 1997

The following message from the Senate was reported:

Message No. 200

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act relating to the grant of financial assistance to provide incentives for the development of export markets**, 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.

MARGARET REID

President

The Senate

26 March 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 7, page 5 (lines 2 and 3), omit “*or approved trading house*”, substitute “, *approved trading house or trustee*”.
- (2) Clause 7, page 5 (line 5), omit “*or approved trading house*”, substitute “, an approved trading house or a person acting in the capacity of trustee of a trust estate”.
- (3) Clause 7, page 6 (after line 25), at the end of the clause, add:
 - Trustees*
- (4) A person acting as trustee of a trust estate is eligible for a grant in respect of a grant year if the following conditions are satisfied:
 - (a) the person provides to Austrade, on request, the following information:

- (i) a declaration of beneficial and ultimate control of the trust estate, including by trustees; and
 - (ii) a declaration of the identities of the beneficiaries of the trust estate, including in the case of individuals, their countries of residence and, in the case of beneficiaries which are not individuals, their countries of incorporation or registration, as the case may be; and
 - (iii) details of any relationships with other entities; and
 - (iv) the percentage distribution of income within the trust; and
 - (v) any changes during the grant year in relation to information provided under subparagraphs (i), (ii), (iii) or (iv);
- (b) subject to section 8, the person is not a grantee in respect of 8 or more previous years;
 - (c) the income of the person from the trust business during the grant year is not more than \$50,000,000;
 - (d) the export earnings of the person during the grant year are not more than \$25,000,000;

Note: Section 10 provides that only earnings from the trust business are to be taken into account.

- (e) neither the person, nor (in the case of a company) any of its directors, is under insolvency administration when the person applies for the grant;
- (f) none of the beneficiaries of the trust estate, nor (in the case of a beneficiary other than an individual) any associate of the beneficiary, is under insolvency administration when the person applies for the grant;
- (g) there are no disqualifying convictions outstanding against either the person or any beneficiary of the trust estate under section 17 when the person applies for the grant;
- (h) if Division 5 applies to the person—the person (in the capacity of trustee for the trust estate) has been registered under section 19 and has passed the grants entry test.

Note: For *person, grant year, Austrade, grantee, income, export earnings, associate under insolvency administration* and *grants entry test* see section 107.

- (4) Clause 8, page 6 (line 27), omit “or (2)(a)”, substitute “, (2)(a) or (4)(b)”.
- (5) Clause 8, page 6 (line 29), omit “(within the meaning of the repealed Act)”.
- (6) Clause 8, page 7 (after line 11), after paragraph (c), insert:

- (d) in the case of a person that has applied for a grant in the capacity of trustee of a trust estate—any grant paid to the person otherwise than in that capacity;
 - (e) in the case of a person that has applied for a grant in the person's own right—any grant paid to the person in the person's capacity as trustee of a trust estate.
- (7) Clause 8, page 7 (after line 21), after the definition of *claim period*, insert:
 - grant* includes a grant under the repealed Act.
- (8) Clause 10, page 8 (line 6), omit “and (5)”, substitute “, (5) and (6)”.
- (9) Clause 10, page 10 (lines 27 to 29), omit subclause (5), substitute:
 - (5) In working out the export earnings of a person that has applied for a grant in the capacity of trustee of a trust estate, disregard any earnings of the person that are not derived from the business carried on for the purposes of the trust estate.
 - (6) In working out the export earnings of a person that:
 - (a) has applied for a grant in the person's own right; but
 - (b) is also a trustee, or a beneficiary, of a trust estate;disregard any earnings of the person from the business carried on for the purposes of the trust estate.
- (10) Clause 18, page 17 (line 4), omit “This”, substitute “Subject to subsections (2) and (3), this”.
- (11) Clause 18, page 17 (after line 11), at the end of the clause, add:
 - (2) If the person intends to apply for a grant in the capacity of trustee of a trust estate, then, for the purposes of subsection (1), disregard:
 - (a) any grant previously paid or payable to the person; and
 - (b) any application for a grant made by the person; otherwise than in that capacity.
 - (3) If the person intends to apply for a grant in the person's own right, then, for the purposes of subsection (1), disregard:
 - (a) any grant previously paid or payable to the person; and
 - (b) any application for a grant made by the person; in the capacity of trustee of a trust estate.
- (12) Clause 34, page 28 (lines 9 to 15), omit subclause (2), substitute:
 - (2) Subject to subsection (6), the following expenses in respect of any air travel reasonably undertaken by the applicant or its agent are allowable:
 - (a) if the applicant has paid first class air fares in respect of the travel—65% of those fares; or
 - (b) in any other case—the total amount of the air fares.

(13) Clause 40, page 33 (table item 14), omit all the words in column 2, substitute “Expenses of applicant carrying on business in different capacities”.

(14) Clause 54, page 37 (lines 24 to 26), omit the clause, substitute:

54 Expenses of applicant carrying on business in different capacities

(1) If an applicant has applied for a grant in the capacity of trustee of a trust estate, any expenses of the applicant incurred otherwise than in that capacity are excluded.

(2) If an applicant that has applied for a grant in the applicant’s own right is also a trustee of a trust estate, any expenses of the applicant incurred in the capacity of trustee of the trust estate are excluded.

(15) Clause 86, page 55 (line 15), omit “against the person”, substitute:
against:

(a) if paragraph (b) does not apply—the person; or

(b) if the person is entitled to the grant or advance in the capacity of trustee of a trust estate—the person or any beneficiary of the trust estate.

Note: The heading to clause 86 (page 55, line 11) is altered by omitting “**the person**” and substituting “**grantee etc.**”.

(16) Clause 86, page 55 (line 19), at the end of subclause (2), add “, or the person or any beneficiary of the trust estate, as the case may be”.

(17) Clause 87, page 55 (lines 24 to 26), omit “advance, the person or, (where applicable) an associate of the person, is under insolvency administration”, substitute:

advance:

(a) if paragraph (b) does not apply—the person or (where applicable) an associate of the person; or

(b) if the person is entitled to the grant or advance in the capacity of trustee of a trust estate:

(i) the person or (where applicable) an associate of the person; or

(ii) any beneficiary of the trust estate or (where applicable) an associate of the beneficiary;

is under insolvency administration.

Note: The heading to clause 87 (page 55, line 21) is altered by omitting “**Person or associate**” and substituting “**Grantee etc.**”.

(18) Clause 87, page 55 (line 28) to page 56 (line 2), omit “when neither the person, nor any associate of the person, was under insolvency administration”, substitute:

when:

(a) if paragraph (1)(a) applies to the person—neither the person, nor any associate of the person; or

(b) if paragraph (1)(b) applies to the person—neither the person nor any other person referred to in that paragraph; was under insolvency administration.

(19) Clause 101, page 66 (line 6), after “(a)”, insert “or (4)(a)”.

On the motion of Mr Fischer (Minister for Trade), the amendments were agreed to, after debate.

57 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the following Bill without amendment:

26 March 1997—Message No. 201—Export Market Development Grants (Repeal and Consequential Provisions) 1997.

58 SOCIAL SECURITY LEGISLATION AMENDMENT (WORK FOR THE DOLE) BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr P. J. Baldwin, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading the House:

- (1) is of the view that the Bill is unacceptable in its present form because it will:
- (a) displace existing workers;
 - (b) lead to below award payments, particularly in the community services industry;
 - (c) not guarantee participants accredited on or off the job training;
 - (d) not provide appropriate case management and supervision to participants to assist them to make decisions about taking up any opportunities under the proposed arrangements;
 - (e) not provide appropriate legislative coverage and financial support for workers’ compensation, superannuation, occupational health and safety and industrial relations protection;
 - (f) not guarantee placements for the minimum required period of 6 months;
 - (g) not require organisations contracting to provide employment projects:
 - (i) to state the proportion of people who will obtain permanent employment following the placement; and
 - (ii) measure future contracts against performance in this respect; and
 - (h) waste time and effort on further trials instead of replicating and building upon the successful aspects of real labour market and training programs under Working Nation such as LEAP and New Work Opportunities; and further

- (2) also calls on the Government to apply the concept of reciprocal obligation to other public sector outlays, especially financial assistance to large private sector corporations”—

Debate resumed.

Debate adjourned (Ms Jeanes), and the resumption of the debate made an order of the day for a later hour this day.

59 SUSPENSION OF STANDING ORDER 103

Mr Prosser (Minister for Small Business and Consumer Affairs), by leave, moved—That standing order 103 (new business) be suspended for this sitting.

Question—put and passed.

60 SOCIAL SECURITY LEGISLATION AMENDMENT (WORK FOR THE DOLE) BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr P. J. Baldwin, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading the House:

- (1) is of the view that the Bill is unacceptable in its present form because it will:
- (a) displace existing workers;
 - (b) lead to below award payments, particularly in the community services industry;
 - (c) not guarantee participants accredited on or off the job training;
 - (d) not provide appropriate case management and supervision to participants to assist them to make decisions about taking up any opportunities under the proposed arrangements;
 - (e) not provide appropriate legislative coverage and financial support for workers’ compensation, superannuation, occupational health and safety and industrial relations protection;
 - (f) not guarantee placements for the minimum required period of 6 months;
 - (g) not require organisations contracting to provide employment projects:
 - (i) to state the proportion of people who will obtain permanent employment following the placement; and
 - (ii) measure future contracts against performance in this respect; and
 - (h) waste time and effort on further trials instead of replicating and building upon the successful aspects of real labour market and training programs under Working Nation such as LEAP and New Work Opportunities; and further

- (2) also calls on the Government to apply the concept of reciprocal obligation to other public sector outlays, especially financial assistance to large private sector corporations”—

Debate resumed.

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

6) MESSAGE FROM THE SENATE—HINDMARSH ISLAND BRIDGE BILL 1996

The following message from the Senate was reported:

Message No. 206

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to facilitate the construction of the Hindmarsh Island bridge, 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, and has agreed to the following resolution:

That the following matter be referred to the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund for inquiry and report on or before the last day of sitting in 1997:

The urgent need for amendments to the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, consistent with the report of the Review of that Act by Justice Elizabeth Evatt, in order to avoid or minimise the repetition of any further incidents, such as the Hindmarsh Island Bridge situation, in which the spiritual and cultural beliefs of Aboriginal and Torres Strait Islander people are not able to be properly considered under existing legislative arrangements.

MARGARET REID

President

The Senate

26 march 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Page 1 (after line 8), after clause 2, insert:

2A Racial Discrimination Act to prevail

- (1) For the avoidance of doubt, it is expressly declared to be the intention of the Parliament that the terms of the Racial Discrimination Act shall prevail over the provisions of this Act.
- (2) Nothing in this Act shall be taken to authorise any conduct, whether legislative, executive or judicial, that is inconsistent with the operation of the Racial Discrimination Act.

(2) Clause 3, page 2 (after line 7), after the definition of *pit area*, insert:

Racial Discrimination Act means the *Racial Discrimination Act 1975*.

Dr Wooldridge (Minister representing the Minister for Aboriginal and Torres Strait Islander Affairs) moved—That the amendments be disagreed to.

Debate ensued.

The House continuing to sit until after midnight—

THURSDAY, 27 MARCH 1997

Debate continued.

Question—put and passed.

Dr Wooldridge moved—That Mr McArthur, Mr Reith (Leader of the House) and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to the amendments.

Question—put and passed.

Dr Wooldridge, on behalf of the committee, brought up reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to the amendments of the Senate

The House does not agree with amendments 1 and 2 because:

- the amendments are unnecessary as the Bill is consistent with the *Racial Discrimination Act 1975*; and
- the amendments are likely to increase the risk of legal challenge to the Bill, thereby frustrating the purpose of the Bill which is to facilitate the building of the Hindmarsh Island Bridge.

On the motion of Dr Wooldridge, the committee's reasons were adopted.

62 MESSAGE FROM THE SENATE

Message No. 205, dated 26 March 1997, from the Senate was reported acquainting the House that the Senate concurs with the resolution of the House relating to the authorisation of the Joint Committee of Public Accounts to meet jointly with the Public Accounts Committee of the Legislative Assembly of Queensland.

63 MESSAGES FROM THE SENATE

Messages from the Senate, dated 26 March 1997, were reported returning the following Bills and acquainting the House that the Senate had agreed to the Bills as amended by the House at the request of the Senate:

Message—

No. 202—Telecommunications (Carrier Licence Charges) 1996.

No. 203—Telecommunications (Numbering Charges) 1996.

No. 204—Telecommunications (Numbering Fees) Amendment 1996.

64 SOCIAL SECURITY LEGISLATION AMENDMENT (WORK FOR THE DOLE) BILL 1997

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr P. J. Baldwin, viz.—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading the House:*

- (1) is of the view that the Bill is unacceptable in its present form because it will:
 - (a) displace existing workers;
 - (b) lead to below award payments, particularly in the community services industry;
 - (c) not guarantee participants accredited on or off the job training;
 - (d) not provide appropriate case management and supervision to participants to assist them to make decisions about taking up any opportunities under the proposed arrangements;
 - (e) not provide appropriate legislative coverage and financial support for workers' compensation, superannuation, occupational health and safety and industrial relations protection;
 - (f) not guarantee placements for the minimum required period of 6 months;
 - (g) not require organisations contracting to provide employment projects:
 - (i) to state the proportion of people who will obtain permanent employment following the placement; and
 - (ii) measure future contracts against performance in this respect; and
 - (h) waste time and effort on further trials instead of replicating and building upon the successful aspects of real labour market and training programs under Working Nation such as LEAP and New Work Opportunities; and further
- (2) also calls on the Government to apply the concept of reciprocal obligation to other public sector outlays, especially financial assistance to large private sector corporations”—

Debate resumed.

Mr Charles was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

65 MESSAGE FROM THE SENATE

A message from the Senate was reported returning the Private Health Insurance Incentives Bill 1997 and acquainting the House that the Senate does not press

its requests for amendments Nos. 1 to 3 which the House had not made and had agreed to the Bill—Message No. 207, dated 26 March 1997.

66 MESSAGE FROM THE SENATE—MEDICARE LEVY AMENDMENT BILL (NO. 2) 1996

The following message from the Senate was reported:

Message No. 208

Mr Speaker

The Senate returns to the House of Representatives the a bill for **An Act to amend the Medicare Levy Act 1986, and related purposes**, and acquaints the House that the Senate has considered message no. 217 of the House relating to the bill.

The Senate does not press its request for amendments nos. 1 to 13 which the House has not made and requests the House to further amend the bill, as indicated in the annexed schedule.

MARGARET REID

President

The Senate

26 March 1997

Ordered—That the amendments further requested by the Senate be considered forthwith.

SCHEDULE OF THE FURTHER REQUESTS BY THE SENATE FOR AMENDMENTS

(1) Schedule 2, page 5 (after line 31), after item 3, insert:

3A After section 3

Insert:

3A Meaning of family surcharge threshold

In sections 8C, 8D, 8F and 8G:

family surcharge threshold for a year of income is:

- (a) \$100,000; or
- (b) if a person has 2 or more dependants who are children—the amount worked out as follows:

$$\$100,000 + (\$1,500 \times (\text{Number of dependants who are children} - 1))$$

Example: If a person has 3 dependants who are children, the family surcharge threshold under paragraph (b) is:

$$\$100,000 + (\$1,500 \times (3 - 1)) = \$103,000$$

(2) Schedule 2, item 4, page 7 (line 16), omit “\$100,000”, substitute “the family surcharge threshold”.

- (3) Schedule 2, item 4, page 8 (line 23), omit "\$100,000", substitute "the family surcharge threshold".
- (4) Schedule 2, item 4, page 9 (line 4), omit "\$100,000", substitute "the family surcharge threshold".
- (5) Schedule 2, item 4, page 9 (line 8), omit "\$100,000", substitute "the family surcharge threshold".
- (6) Schedule 2, item 4, page 10 (line 16), omit "\$100,000", substitute "the family surcharge threshold".
- (7) Schedule 2, item 4, page 11 (line 20), omit "\$100,000", substitute "the family surcharge threshold".
- (8) Schedule 2, item 4, page 12 (line 3), omit "\$100,000", substitute "the family surcharge threshold".
- (9) Schedule 2, item 4, page 12 (line 7), omit "\$100,000", substitute "the family surcharge threshold".

On the motion of Dr Wooldridge (Minister for Health and Family Services), the further requested amendments were made, after debate.

67 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT (PRIVATE HEALTH INSURANCE INCENTIVES) BILL 1997

The following message from the Senate was reported:

Message No. 209

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Income Tax Assessment Act 1936* and the *Income Tax Assessment Act 1997*, and for related purposes**, and acquaints the House that the Senate has considered message no. 218 of the House relating to the bill.

The Senate does not insist upon its amendment disagreed to by the House and has made further amendments to the bill, as indicated by the annexed schedule.

The Senate desires the concurrence of the House in the further amendments made by the Senate.

MARGARET REID

President

The Senate

26 March 1997

Ordered—That the further amendments be considered forthwith.

SCHEDULE OF THE FURTHER AMENDMENTS MADE BY THE SENATE

- (1) Clause 2, page 2 (lines 4 and 5), omit subclause (5).
- (2) Schedule 3, item 1, page 14 (line 5), omit "\$1,430", substitute "\$1,250".
- (3) Schedule 3, item 2, page 14 (lines 6 and 7), omit the item.
- (4) Schedule 3, item 3, page 14 (lines 8 to 12), omit the item, substitute:

3 Application

The amendment made by this Schedule applies to assessments in respect of the 1996-97 year of income and for all later years of income.

On the motion of Dr Wooldridge (Minister for Health and Family Services), the further amendments were agreed to, after debate.

68 ADJOURNMENT

Dr Wooldridge (Minister for Health and Family Services) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 12.52 a.m., adjourned until Tuesday, 13 May 1997, at 2 p.m., in accordance with the resolution agreed to at this sitting.

PAPERS

The following papers were deemed to have been presented on 26 March 1997:

Acts Interpretation Act—Statement relating to delay in furnishing report within specified period—Casino Surveillance Authority—Report for 1995-96.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part 105—Amendments 18, 26(2), 27(2), 28 February, 3, 4, 6, 7(3), 10, 12(4), 14(4), 18(5), 19 March 1997.

Part 106—Amendment 7 March 1997.

Part 107—Amendments 19, 27 February, 4, 7(8) March 1997.

Public Service Act—Determinations 1997 Nos. LES 5, LES 6.

Taxation Administration Act—Rulings 1997 Nos. TR 5, TR 6.

ATTENDANCE

All Members attended (at some time during the sitting) except Mrs Draper, Mr Kerr, Mr Nugent and Mrs Sullivan.

L. M. BARLIN

Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 82

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 26 MARCH 1997

1 The Main Committee met at 10 a.m.

2 CHILD SUPPORT LEGISLATION AMENDMENT BILL (NO. 1) 1996

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mr Latham, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) expresses concern at the failure of the Howard Government, after 12 months in office, to respond to the recommendations of the report of the Joint Select Committee into Certain Family Law Issues entitled ‘Child Support Scheme: An Examination of the Operation and Effectiveness of the Scheme’;
- (2) believes the Government should be concerned about the well-being and welfare of all families: whether they be intact families, separated families, single parent families or serial families;
- (3) notes with concern the failure to implement some of the report’s recommendations has caused parents and their children to suffer needless hardship;
- (4) believes that there is important and urgent need to improve and strengthen the Child Support Scheme; and
- (5) considers that much time has been lost and therefore the Government should respond to the recommendations of the report concerned with changing the child support formula as soon as possible and introduce legislation within six months to this effect”—

Debate resumed.

Suspension of sitting: At 11.41 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 11.53 a.m., the proceedings were resumed.

Debate continued.

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

3 ADJOURNMENT

On the motion of Mr Bradford, the Main Committee adjourned at 1.25 p.m.

I. C. HARRIS
Clerk of the Main Committee