

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 154

TUESDAY, 17 MARCH 1987

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- 1 The House met, at 2 p.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.
 - 2 **DEATH OF FORMER MEMBER (THE HONOURABLE H. S. ROBERTON):** Mr Hawke (Prime Minister) referred to the death of the Honourable H. S. Robertson, and moved—That this House expresses its deep regret at the death, on 13 March 1987, of the Honourable Hugh Stevenson Robertson, a former Member of this House for the Division of Riverina from 1949 to 1965, a former Minister of the Crown, and a former Ambassador to Ireland, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.
And Mr Howard (Leader of the Opposition) having seconded the motion, and Mr Sinclair (Leader of the National Party of Australia) and other Members having addressed the House in support thereof, and all Members present having risen, in silence—
Question—passed.
 - 3 **MINISTERIAL ARRANGEMENTS:** Mr Hawke (Prime Minister) informed the House that Mr Jones (Minister for Science) had been appointed Minister Assisting the Treasurer on Prices and Minister Assisting the Attorney-General on Consumer Affairs.
Mr Hawke also informed the House that, during the absence abroad of Senator Ryan (Minister for Education), Mr Jones was acting as Minister for Education.
 - 4 **QUESTIONS:** Questions without notice were asked.
 - 5 **PAPERS:** The following papers were presented:
 - Aboriginal Hostels Limited—Report and financial statements, together with the Auditor-General's Report, for 1985-86.
 - Advance to the Minister for Finance—Statement for February 1987.
 - Australian Capital Territory—
 - Gaming and Liquor Authority—5th Report, for 1985-86.
 - Schools Authority—Financial statements, together with the Auditor-General's Report, for 1985-86.
 - Australian Safeguards Office—Report for 1985-86.
 - Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Report and financial statements, together with the Auditor-General's Report, for 1985-86.

6 AUSTRALIAN SCIENCE AND TECHNOLOGY COUNCIL—REPORT—IMPROVING THE RESEARCH PERFORMANCE OF AUSTRALIA'S UNIVERSITIES AND OTHER HIGHER EDUCATION INSTITUTIONS—MOTION TO TAKE NOTE OF PAPER:

Mr Bowen (Attorney-General) presented the following paper:

Australian Science and Technology Council Act—Australian Science and Technology Council—Report on improving the research performance of Australia's universities and other higher education institutions, dated February 1987.

Mr Young (Leader of the House) moved—That the House take note of the paper. Debate adjourned (Mr N. A. Brown—Deputy Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

7 AUSTRALIAN RESEARCH GRANTS COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Jones (Minister for Science) presented the following paper:

Australian Research Grants Committee—Report on grants approved for 1987. Mr Young (Leader of the House) moved—That the House take note of the paper. Debate adjourned (Mr N. A. Brown—Deputy Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

8 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Dr Blewett, Mr Kent, Mr Milton and Mr Scott—from certain citizens praying that importation of cobalt 60 and other radioactive substances be banned and regulations permitting irradiation of food in Australia be disallowed.

Mr Wright—from certain residents of Queensland in similar terms to the last preceding petition.

Mr N. A. Brown, Dr H. R. Edwards and Mr Hawker—from certain citizens praying that deletion of the 45 commonly prescribed drugs from the Pharmaceutical Benefits Scheme be reconsidered.

Mr Slipper—from certain residents of the Division of Fisher in the same terms as the last preceding petition.

Dr H. R. Edwards, Mr Hawker and Mr Slipper—from certain citizens praying that the closure of post office agencies be prevented and their services be extended.

Mr P. S. Fisher, Mr Nehl and Mr Robinson—from certain citizens praying that the Department of Veterans' Affairs remain a separate department.

Mr J. J. Brown and Mr Robinson—from certain citizens praying that the Anzac Rifle Range, Malabar, NSW, be retained.

Mr Charles and Mr Millar—from certain citizens praying that the Soviet Foreign Minister be approached to seek the release of Raoul Wallenberg and his return to Sweden.

Mr Hawker and Mr Shipton—from certain citizens praying that the national flag not be changed except by a referendum.

Mr Kent and Mr Milton—from certain citizens praying that the US Government be urged to join the Soviet Union's nuclear test ban.

Mr Beale—from certain citizens praying that the fringe benefits tax and other taxes and administrative burdens on small businesses be repealed.

Mr Braithwaite—from certain residents of the Division of Dawson praying that transmission anomalies be rectified to allow listeners in the Mackay region to receive ABC FM radio.

Mr N. A. Brown—from certain citizens praying that any proposal for a national identification numbering system be rejected.

Dr H. R. Edwards—from certain residents of New South Wales praying that the Western Sydney State University be established in conjunction with the NSW Government.

Mr Hawker—from certain citizens praying that family allowance payments be increased and proposed changes to the spouse rebate be rejected.

Mr Hawker—from certain citizens praying that the Australian Bill of Rights Bill be opposed and certain other action be taken in relation to the Bill.

Mr Hawker—from certain citizens praying that the price of petrol be reduced by 3 cents per litre and that certain other action be taken in relation to petrol pricing.

Mr Hawker—from certain citizens praying that the assets test on pensions be repealed.

Mr Kent—from certain citizens praying that the Government support the stand taken by the New Zealand Government on nuclear vessels and that the policy of developing zones of peace and nuclear free zones in the Indian and Pacific Oceans be implemented.

Mr Millar—from certain citizens praying that the imperial system of weights and measures be restored.

Mr A. A. Morris—from certain citizens praying that the Commonwealth Sex Discrimination Act be changed to allow 3 divisions of sport for students under 12 years of age.

Mr Nehl—from certain citizens praying that funding be provided to improve the Pacific Highway between Port Macquarie and Woolgoolga, NSW.

Mr Scott—from certain citizens praying that Australia use its influence to establish a nuclear test moratorium and comprehensive nuclear test ban treaty.

Mr Slipper—from certain citizens praying that public funding for projects which are undesirable or of dubious worth be halted.

Mr Slipper—from certain citizens praying that measures be taken to reduce the burden of imposed costs and regulation on Australian horticultural growers.

Mr Slipper—from certain residents of Queensland praying that the fringe benefits tax be abandoned.

Mr Slipper—from certain residents of the Division of Fisher praying that means be sought for the protection of the people's interests to reverse the decision to hand Ayers Rock over to an Aboriginal Land Council.

Mr Slipper—from certain residents of the Division of Fisher praying that the right to work be acknowledged and protected and that certain other action be taken to protect workers.

Mr Slipper—from certain residents of the Division of Fisher praying that the capital gains tax proposal be abandoned.

Mr Slipper—from certain residents of the Division of Fisher praying that the existing national flag remain sacrosanct.

Mr Slipper—from certain residents of the Division of Fisher praying that pharmaceutical benefits be restored to their former level.

Mr Slipper—from certain residents of the Division of Fisher praying that the Australian Bill of Rights Bill be repealed.

Mr Slipper—from certain residents of the Division of Fisher praying that the assets test be reconsidered.

Dr Watson—from certain citizens praying that the assets test, capital gains tax, fringe benefits tax and tax on lump sum superannuation be repealed.

Petitions received.

- 9 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:
- 28 February 1987—Message No. 221—Wheat Marketing Amendment 1987.
 - 13 March 1987—Message—
 - No. 222—Plant Variety Rights 1987.
 - No. 223—

Australian Nuclear Science and Technology Organisation 1987.

Australian Nuclear Science and Technology Organisation (Transitional Provisions) 1987.

Atomic Energy Amendment 1987.

No. 224—

Australian Stock Exchange and National Guarantee Fund 1987.

Australian Protective Service 1987.

- 10 **TRANSPORT SAFETY—STANDING COMMITTEE:** The House was informed that the Opposition Whip had nominated Mr Miles to be a member of the Standing Committee on Transport Safety in place of Mr Aldred.
- 11 **JOINT COMMITTEES—CHANGES IN SENATE MEMBERSHIP:** The House was informed of changes made by the Senate in the membership of the following joint committees:
- Joint Committee on Foreign Affairs and Defence—Senator Morris had been appointed a member of the committee, in place of Senator Sibraa, discharged.
 - Joint Committee of Public Accounts—Senator Giles had been appointed a member of the committee, in place of Senator Georges, discharged.
 - Joint Standing Committee on the New Parliament House—Senator West had been appointed a member of the committee to fill the vacancy caused by the election of Senator Sibraa as President of the Senate.
- 12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HOME OWNERSHIP AND RENTAL PRICES:** The House was informed that Mr Howard (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The high price of buying, owning or renting a home under failed Hawke Government policies”.
The proposed discussion having received the necessary support—
Mr Howard addressed the House.
Discussion ensued.
Discussion concluded.
- 13 **EXCISE TARIFF PROPOSALS NO. 3 (1987):** Mr Jones (Minister Assisting the Minister for Industry, Technology and Commerce) moved Excise Tariff Proposals No. 3 (1987).
Debate adjourned (Mr Moore), and the resumption of the debate made an order of the day for the next sitting.
- 14 **JURISDICTION OF COURTS (CROSS-VESTING) BILL 1986:** The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

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In the committee

Statement by Minister: Mr Bowen (Attorney-General), by leave, made a statement relating to additional proposed Government amendments to the Bill.

Paper: Mr Bowen, by leave, presented an explanatory memorandum on the additional proposed amendments to the Bill.

Mr Ruddock, by leave, made a statement in relation to the Bill.

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

Clause 3—

Mr Spender moved the following amendment: Pages 2 and 3, omit the definition of “special federal matter”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 4 agreed to.

Clause 5—

On the motion of Mr Bowen, by leave, the following amendments were made together, after debate:

Page 4, line 12, omit “(in this subsection referred to as the ‘other court’)”.

Page 4, line 14, omit "other court", substitute "Federal Court or the Family Court".

Page 4, line 23, omit "other court", substitute "Federal Court or the Family Court".

Page 4, line 34, omit "other court", substitute "Federal Court or the Family Court, as the case may be".

Page 4, line 36, omit "other court", substitute "Federal Court or the Family Court".

Page 4, line 37, omit "other court", substitute "Federal Court or the Family Court, as the case may be".

Page 5, line 15, omit "that other State or Territory", substitute "the State or Territory referred to in sub-sub-paragraph (A)".

Page 5, line 43, omit "that other court", substitute "the other of the courts referred to in paragraph (a)".

Page 6, line 2, omit "that other court", substitute "the other of the courts referred to in paragraph (a)".

Page 6, line 4, omit "that other court", substitute "the other of the courts referred to in paragraph (a)".

Page 6, line 27, omit "that State or Territory", substitute "the State or Territory referred to in sub-sub-paragraph (A)".

Page 7, line 2, omit "that other court", substitute "the other of the courts referred to in paragraph (a)".

Page 7, line 4, omit "that other court", substitute "the other of the courts referred to in paragraph (a)".

Page 7, omit subclause (8), substitute the following subclause:

"(8) A person who is entitled to practise as a barrister or a solicitor, or as both a barrister and a solicitor, in a court has, if a proceeding (in this sub-section referred to as the 'transferred proceeding') in that court is transferred to another court under a law or laws relating to cross-vesting of jurisdiction, the same entitlement to practise in relation to:

(a) the transferred proceeding; and

(b) any other proceeding out of which the transferred proceeding arises or to which the transferred proceeding is related, being another proceeding that is to be determined together with the transferred proceeding;

in the other court that the person would have if the other court were a federal court exercising federal jurisdiction."

Clause, as amended, agreed to.

Clause 6—

On the motion of Mr Bowen, the following amendment was made, after debate:

Page 8, line 17, insert ", under a corresponding provision of a law of a State or under this section and under such a provision" after "section".

Clause, as amended, agreed to.

Clause 7 debated.

Mr Spender moved the following amendment: Pages 9 and 10, omit the clause, substitute the following clause:

Institution and hearing of appeals

"7. An appeal from a decision of a court shall only be instituted and heard in accordance with the appeal provisions which normally apply to that court."

Amendment negatived.

Clause agreed to.

Clause 8 agreed to.

Clause 9—

On the motion of Mr Bowen, by leave, the following amendments were made together:

Page 10, line 39, omit "a law", substitute "this Act or of a law of a State".

Page 10, line 42, omit "law", substitute "provision".

Clause, as amended, agreed to.

Clause 10—

Mr Spender moved the following amendment: Page 11, omit paragraph (c).

Amendment negatived.

Clause agreed to.

Clause 11—

On the motion of Mr Bowen, the following amendment was made, after debate:

Page 11, omit subclauses (1) and (2), substitute the following subclauses:

“(1) Where it appears to a court that the court will, or will be likely to, in determining a matter for determination in a proceeding, be exercising jurisdiction conferred by this Act or by a law of a State relating to cross-vesting of jurisdiction:

- (a) subject to paragraphs (b) and (c), the court shall, in determining that matter, apply the law in force in the State or Territory in which the court is sitting (including choice of law rules);
- (b) subject to paragraph (c), if that matter is a right of action arising under a written law of another State or Territory, the court shall, in determining that matter, apply the written and unwritten law of that other State or Territory; and
- (c) the rules of evidence and procedure to be applied in dealing with that matter shall be such as the court considers appropriate in the circumstances, being rules that are applied in a superior court in Australia or in an external Territory.

“(2) The reference in paragraph (1) (a) to the State or Territory in which the court is sitting is, in relation to the Federal Court or the Family Court, a reference to the State or Territory in which any matter for determination in the proceeding was first commenced in or transferred to that court.”.

Clause, as amended, agreed to.

Clauses 12 to 16, by leave, taken together, and agreed to.

Schedule debated and agreed to.

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

Bill to be reported with amendments.

The House resumed; Mr Blanchard reported accordingly.

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

15 JURISDICTION OF COURTS (MISCELLANEOUS AMENDMENTS) BILL 1986: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Question—put.

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

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Mr Baldwin	Mr Duffy	Mrs Jakobsen	Mr Mountford
Mr Beazley	Mr Duncan	Mr Jenkins	Mr O'Keefe
Mr Beddall	Mr R. F. Edwards	Mr Jones	Mr O'Neil
Mr Bilney	Ms Fatin	Mrs Kelly	Mr Price
Mr Blanchard	Mr Fitzgibbon	Mr Kent	Mr Punch
Dr Blewett	Mr Gayler	Mr Keogh	Mr Saunderson
Mr Bowen	Mr Gear	Dr Klugman	Mr Scholes
Mr R. J. Brown	Mr Gorman	Mr Lamb	Mr Scott
Mr Brumby	Mr Grace	Mr Langmore	Mr Simmons
Mr Campbell	Mr Griffiths	Mr Lee	Mr Snow
Mr Charles	Mr Hand	Ms McHugh	Dr Theophanous
Mr Chynoweth	Mr Hayden	Mr Maher	Mr Tickner
Mr Cohen	Mr Holding	Mr Martin	Mr Uren
Mr Cross	Mr Hollis	Mrs Mayer	Mr West
Mr Cunningham*	Mr Howe	Mr Mildren	Mr Willis
Mrs Darling	Mr Humphreys*	Mr Milton	Mr Wright
Mr Dawkins	Mr Hurford	Mr A. A. Morris	Mr Young
Mr Dubois	Mr Jacobi	Mr P. F. Morris	

NOES, 53

Mr Adermann	Mr Connolly	Mr Hicks*	Mr Robinson
Mr Aldred	Mr Conquest	Mr Hodges	Mr Rocher
Mr Andrew*	Mr Cowan	Mr Hodgman	Mr Ruddock
Mr Beale	Mr Dobie	Mr Hunt	Mr Sharp
Mr Blunt	Mr Downer	Mr Jull	Mr Shipton
Mr Braithwaite	Mr Drummond	Mr Lloyd	Mr Smith
Mr N. A. Brown	Mr Everingham	Mr McArthur	Mr Spender
Mr Burr	Mr Fife	Mr McGauran	Mrs Sullivan
Mr Cadman	Mr T. A. Fischer	Mr Macphee	Dr Watson
Mr D. M. Cameron	Mr P. S. Fisher	Mr Millar	Mr Webster
Mr E. C. Cameron	Mr Goodluck	Mr Moore	Mr Wilson
Mr I. M. D. Cameron	Mr Hall	Mr Nehl	
Mr Cobb	Mr Halverson	Mr Peacock	
Mr Coleman	Mr Hawker	Mr Porter	

* Tellers

And so it was resolved in the affirmative—Bill read a second time.
The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Bowen (Attorney-General), by leave, moved the following amendments together:
Clause 4, page 3, omit subclause (3), substitute the following subclauses:

“(3) Where, under a provision of a relevant tax law as in force before the commencement day, a decision on an objection, or an objection, had been forwarded to a Supreme Court but the hearing, other than an interlocutory hearing, of proceedings in respect of the decision or objection had not begun before the commencement day—

- (a) the proceedings are, by force of this Act, transferred to the Federal Court of Australia on the commencement day;
- (b) the proceedings shall continue in the Federal Court of Australia as if the decision or objection had been forwarded to the Federal Court of Australia under a provision of a relevant tax law as amended by this Act;
- (c) the Federal Court of Australia has jurisdiction to hear and determine the proceedings;
- (d) all documents filed of record in the Supreme Court in the proceedings, or lodged with that Court in connection with the proceedings, shall be transmitted to the Registrar of the Federal Court of Australia;
- (e) any moneys lodged with the Supreme Court in relation to the proceedings shall be transferred to the Federal Court of Australia and dealt with as if they had been lodged with that Court; and
- (f) all things done in or in relation to the proceedings in the Supreme Court shall be deemed to have been done in or in relation to the proceedings in the Federal Court of Australia.

“(4) The Federal Court of Australia has the same powers (including powers in respect of contempt of court and enforcing of orders) in respect of an order of a Supreme Court made in or in relation to proceedings referred to in sub-section (3) as if it were an order of the Federal Court of Australia.

“(5) Subject to sub-section (3), the provisions of the relevant tax laws that are amended or repealed by this Act continue to apply to—

- (a) a decision on an objection, or an objection, that was forwarded to a Supreme Court before the commencement day; and
- (b) an order made by the Supreme Court in relation to the decision or objection,

as if those amendments and repeals had not been made.

“(6) Sub-section (5) has effect notwithstanding the operation of sub-section 7(3) of the *Jurisdiction of Courts (Cross-vesting) Act 1987* on its commencement.”.

Schedule—

Page 4, amendments of *Advance Australia Logo Protection Act 1984*, omit the amendments, substitute:

“Sub-section 11 (2)—

Insert ‘Federal Court of Australia or the’ before ‘Supreme Court’.

After sub-section 13 (1)—

Insert the following sub-section:

‘(1A) The Federal Court of Australia has jurisdiction with respect to all matters arising under section 11 or 16.’”.

Page 5, amendments of *Copyright Act 1968*, omit the amendments, substitute:

“Heading to Division 4A of Part V—

Omit the heading, substitute the following heading:

‘Division 4A—Jurisdiction and Appeals’.

Sub-sections 131B (1) and (2)—

Insert ‘of a State or Territory’ after ‘a court’.

After section 131B—

Insert the following section:

Jurisdiction of Federal Court of Australia

‘131C. Jurisdiction is conferred on the Federal Court of Australia with respect to actions under this Part.’”.

Pages 5 and 6, amendments of *Designs Act 1906*, omit the amendments, substitute:

“Sub-section 4 (1)—

After the definition of ‘design’, insert the following definition:

“‘Federal Court’ means the Federal Court of Australia;”.

Sub-section 4 (1) (definition of ‘prescribed court’)—

Insert ‘the Federal Court,’ after ‘means’.

Sub-section 22B (2)—

Omit ‘a prescribed court’, substitute ‘the Federal Court’.

Sub-section 24 (3)—

Omit ‘a prescribed court’, substitute ‘the Federal Court’.

Sub-section 27A (11)—

Omit ‘a prescribed court’, substitute ‘the Federal Court’.

Sub-section 40G (1)—

Omit the sub-section, substitute the following sub-sections:

‘(1) The Federal Court has jurisdiction with respect to matters arising under this Act.

‘(1A) The jurisdiction of the Federal Court to hear and determine appeals from decisions of the Registrar is exclusive of the jurisdiction of any other court, other than the jurisdiction of the High Court under section 75 of the Constitution.

‘(1B) Subject to sub-section (2), each prescribed court (other than the Federal Court) has jurisdiction with respect to matters arising under this Act in respect of which actions or proceedings may, under a provision of this Act, be instituted in a prescribed court.

‘(1C) A prosecution for an offence against this Act shall not be instituted in the Federal Court.’.

Sub-section 40G (2)—

Omit ‘sub-section (1)’, substitute ‘sub-section (1B)’.

Sub-sections 40I (1) and (2)—

Omit the sub-sections, substitute the following sub-sections:

‘(1) An appeal lies to the Federal Court from a judgment or order of:

- (a) another prescribed court exercising jurisdiction under this Act; or
- (b) any other court in an action or proceeding referred to in section 31.

‘(2) Except with the leave of the Federal Court, an appeal does not lie to the Full Court of the Federal Court from a judgment or order of a single

judge of the Federal Court in the exercise of its jurisdiction to hear and determine appeals from decisions of the Registrar.

Section 40J—

Omit 'prescribed court', substitute 'Federal Court'.

Sub-section 46B (1)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 46B (2)—

Omit 'prescribed court', substitute 'Federal Court'.

Pages 10 and 11, amendments of *Patents Act 1952*, omit the amendments, substitute:

“Section 6—

After the definition of 'exclusive licensee', insert the following definition:

“Federal Court” means the Federal Court of Australia;.

Section 6 (definition of 'prescribed court')—

Insert 'the Federal Court,' after 'means'.

Sub-section 49 (8)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 49A (10)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 50 (6)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 52 (8)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 52D (9)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 60 (5)—

(a) Omit 'the prescribed court', substitute 'the Federal Court'.

(b) Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 63 (4)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Paragraph 66 (3) (c)—

Omit the paragraph, substitute the following paragraph:

'(c) proceedings in a court; or'.

Paragraph 66 (3) (f)—

Omit the paragraph, substitute the following paragraph:

'(f) in a case to which paragraph (c) applies—the court or, if the proceedings are discontinued, the Commissioner directs; or'.

Sub-sections 68B (11) and (12)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 73 (4)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 81 (2)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 81 (3)—

Omit 'prescribed court', substitute 'Federal Court'.

Section 84—

(a) Omit 'prescribed court' (first occurring), substitute 'Federal Court'.

(b) Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 146 (1)—

Omit the sub-section, substitute the following sub-sections:

'(1) The Federal Court has jurisdiction with respect to matters arising under this Act.

'(1A) The jurisdiction of the Federal Court to hear and determine appeals from decisions or directions of the Commissioner is exclusive of the jurisdiction of any other court, other than the jurisdiction of the High Court under section 75 of the Constitution.

'(1B) Subject to sub-section (2), each prescribed court (other than the Federal Court) has jurisdiction with respect to matters arising under this Act in respect of which actions or proceedings may, under a provision of this Act, be instituted in a prescribed court.

'(1C) A prosecution for an offence against this Act shall not be instituted in the Federal Court.'

Sub-section 146 (2)—

Omit 'sub-section (1)', substitute 'sub-section (1B)'.

Sub-sections 148 (1) and (2)—

Omit the sub-sections, substitute the following sub-sections:

'(1) An appeal lies to the Federal Court from a judgment or order of:

- (a) another prescribed court exercising jurisdiction under this Act; or
- (b) any other court in an action or proceeding referred to in section 113 or 121.

'(2) Except with the leave of the Federal Court, an appeal does not lie to the Full Court of the Federal Court from a judgment or order of a single judge of the Federal Court in the exercise of its jurisdiction to hear and determine appeals from decisions or directions of the Commissioner.'

Section 149—

(a) Omit 'A prescribed court', substitute 'The Federal Court'.

(b) Insert 'from a decision or direction of the Commissioner' after 'court' (second occurring).

Section 150—

Omit 'prescribed court', substitute 'Federal Court'.

Sub-section 154A (6)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 155 (2)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 163 (2)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Section 170—

(a) Omit 'a prescribed court', substitute 'the Federal Court'.

(b) Omit 'the prescribed court' (wherever occurring), substitute 'the Federal Court'."

Pages 12 and 13, amendments of *Trade Marks Act 1955*, omit the amendments, substitute:

"Sub-section 6 (1)—

After the definition of 'Convention country', insert the following definition: '“Federal Court” means the Federal Court of Australia;'

Sub-section 6 (1) (definition of 'prescribed court')—

Insert 'the Federal Court,' after 'means'.

Sub-section 19 (3)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 20 (2)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 21 (5)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 23 (7)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 26 (4)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 30 (3)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 36 (3)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 42 (4)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 43 (4)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 46 (1)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 46 (2)—

Omit 'prescribed court', substitute 'Federal Court'.

Section 51—

Omit 'a prescribed court', substitute 'the Federal Court'.

Paragraph 54 (3) (b)—

Omit the paragraph, substitute the following paragraph:

'(b) proceedings in a court; or'.

Paragraph 54 (3) (e)—

Omit the paragraph, substitute the following paragraph:

'(e) in a case to which paragraph (b) applies—the court or, if the proceedings are discontinued, the Registrar directs; or'.

Section 81—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 86 (3)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Sub-section 112 (1)—

Omit the sub-section, substitute the following sub-sections:

'(1) The Federal Court has jurisdiction with respect to matters arising under this Act.

'(1A) The jurisdiction of the Federal Court to hear and determine appeals from decisions, directions or orders of the Registrar is exclusive of the jurisdiction of any other court, other than the jurisdiction of the High Court under section 75 of the Constitution.

'(1B) Subject to sub-section (2), each prescribed court (other than the Federal Court) has jurisdiction with respect to matters arising under this Act in respect of which actions or proceedings may, under a provision of this Act, be instituted in a prescribed court.

'(1C) A prosecution for an offence against this Act shall not be instituted in the Federal Court.'

Sub-section 112 (2)—

Omit 'sub-section (1)', substitute 'sub-section (1B)'.

Sub-sections 114 (1) and (2)—

Omit the sub-sections, substitute the following sub-sections:

'(1) An appeal lies to the Federal Court from a judgment or order of:

- (a) another prescribed court exercising jurisdiction under this Act; or
- (b) any other court in an action or proceeding referred to in section 67 or 124.

'(2) Except with the leave of the Federal Court, an appeal does not lie to the Full Court of the Federal Court from a judgment or order of a single judge of the Federal Court in the exercise of its jurisdiction to hear and determine appeals from decisions, directions or orders of the Registrar.'

Section 115—

(a) Omit 'A prescribed court', substitute 'The Federal Court'.

(b) Insert 'from a decision, direction or order of the Registrar' after 'court' (second occurring).

Section 115A—

Omit 'prescribed court', substitute 'Federal Court'.

Sub-section 139 (5)—

Omit 'a prescribed court', substitute 'the Federal Court'.

Section 142—

(a) Omit 'a prescribed court', substitute 'the Federal Court'.

(b) Omit 'the prescribed court' (wherever occurring), substitute 'the Federal Court'."

Page 13, amendments of *Trade Practices Act 1974*, at the end of proposed new sub-section 86A (1) add "and may also transfer to that court any other matter for determination in the proceeding".

Page 14, amendments of *Trade Practices Act 1974*, omit proposed new section 86B.

Paper: Mr Bowen, by leave, presented an explanatory memorandum to proposed amendments to the Bill (*in substitution for paper presented on 26 February 1987*).

Debate continued.

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

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Rocher reported accordingly.

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

- 16 **LIQUID FUEL EMERGENCY AMENDMENT BILL 1987:** The order of the day having been read for the second reading—Mr Jones (Minister representing the Minister for Resources and Energy) moved—That the Bill be now read a second time.

Debate ensued.

Paper: Mr Jones, by leave, presented an explanatory memorandum to the Bill.

Debate continued.

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

Leave granted for third reading to be moved forthwith.

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

- 17 **FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—REPORT ON DISARMAMENT AND ARMS CONTROL—INTERIM GOVERNMENT RESPONSE—MINISTERIAL STATEMENT:** Mr Hayden (Minister for Foreign Affairs), by leave, made a ministerial statement concerning the report of the Joint Committee on Foreign Affairs and Defence on disarmament and arms control and the delay in the Government's proposed response to the report.

- 18 **LEMONTYME AND SOUTHERN FORESTS (COMMISSION OF INQUIRY) BILL 1987:** 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 Connolly who moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "the House declines to give the Bill a second reading and condemns the Government for seeking to delay the making of a decision on the forest industries of Tasmania and calls on the Government to make a decision on that matter forthwith".

Debate continued.

Member named and suspended: The Deputy Speaker (Mr Blanchard) named the honourable Member for Denison (Mr Hodgman) for disregarding the authority of the Chair.

Mr Cohen (Minister for Arts, Heritage and Environment) moved—That the honourable Member for Denison be suspended from the service of the House.

Question—put.

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

AYES, 75

Mr Baldwin	Mr Duncan	Mr Jenkins	Mr P. F. Morris
Mr Beazley	Mr R. F. Edwards	Mr Jones	Mr Mountford
Mr Beddall	Ms Fatin	Mrs Kelly	Mr O'Keefe
Mr Bilney	Mr Fitzgibbon	Mr Kent	Mr O'Neil
Dr Blewett	Mr Free	Mr Keogh	Mr Price
Mr Bowen	Mr Gayler	Mr Kerin	Mr Punch
Mr R. J. Brown	Mr Gear	Dr Klugman	Mr Saunderson
Mr Brumby	Mr Gorman	Mr Lamb	Mr Scholes
Mr Campbell	Mr Grace	Mr Langmore	Mr Scott
Mr Charles	Mr Griffiths	Mr Lee	Mr Simmons
Mr Chynoweth	Mr Hand	Mr Lindsay	Mr Snow
Mr Cleeland	Mr Hayden	Ms McHugh	Mr Staples
Mr Cohen	Mr Holding	Mr McLeay	Mr Tickner
Mr Cross	Mr Hollis	Mr Maher	Mr Uren
Mr Cunningham*	Mr Howe	Mr Martin	Mr West
Mrs Darling	Mr Humphreys*	Mrs Mayer	Mr Willis
Mr Dawkins	Mr Hurford	Mr Mildren	Mr Wright
Mr Dubois	Mr Jacobi	Mr Milton	Mr Young
Mr Duffy	Mrs Jakobsen	Mr A. A. Morris	

NOES, 56

Mr Adermann	Mr Conquest	Mr Hodgman	Mr Porter
Mr Aldred	Mr Cowan	Mr Hunt	Mr Reith
Mr Andrew*	Mr Dobie	Mr Jull	Mr Robinson
Mr Beale	Mr Downer	Mr Katter	Mr Rocher
Mr Blunt	Mr Drummond	Mr Lloyd	Mr Ruddock
Mr Braithwaite	Mr Fife	Mr McArthur	Mr Sharp
Mr N. A. Brown	Mr T. A. Fischer	Mr McGauran	Mr Shipton
Mr Burr	Mr P. S. Fisher	Mr MacKellar	Mr Sinclair
Mr Cadman	Mr Goodluck	Mr McVeigh	Mr Slipper
Mr D. M. Cameron	Mr Hall	Mr Macphee	Mr Smith
Mr E. C. Cameron	Mr Halverson	Mr Miles	Mr Spender
Mr Carlton	Mr Hawker	Mr Millar	Dr Watson
Mr Cobb	Mr Hicks*	Mr Moore	Mr Webster
Mr Connolly	Mr Hodges	Mr Peacock	Mr Wilson

* Tellers

And so it was resolved in the affirmative.

The honourable Member was, therefore, suspended at 9.32 p.m. for 24 hours under standing order 305, and he accordingly withdrew from the Chamber.

Debate continued.

Mr Burr addressing the House—

19 **ADJOURNMENT:** It being 10.15 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.59 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 17 March 1987:

Audit Act—Regulation—Statutory Rules 1987, No. 30.

Australian Meat and Live-stock Corporation Act—Orders—1987—

M31/87—AUS-MEAT Accreditation Required for Slaughtering and Packaging of Meat for Export.

MS11/87—Contract Requirements—Shipping of Meat to North America.

Australian National University Act—Statutes—

No. 191—Enrolment, Courses and Degrees Amendment No. 22.

No. 192—Board of The Faculties Amendment No. 2.

No. 193—Admission to Status (The Faculties) (Repeal).

No. 194—Academic and Ceremonial Dress Amendment No. 12.

- Banks (Shareholdings) Act—Regulation—Statutory Rules 1987, No. 26.
 Bounty (Computers) Act—Regulations—Statutory Rules 1987, No. 27.
 Copyright Act—Regulations—Statutory Rules 1987, Nos. 34, 35.
 Customs Act—Regulations—Statutory Rules 1987, No. 37.
 Defence Act—Determinations—1987—
 No. 7—Temporary Rental Allowance.
 Nos. 8, 9 and 10—Overseas Living Allowance and other allowances.
 No. 11—Trainee Leader's Allowance.
 No. 12—District Allowance.
 No. 13—Temporary Rental Allowance.
 No. 14—Vehicle Allowance.
 No. 15—Special Royal Navy Allowance Paid to RAN Members Posted to and Serving in Britain.
 No. 16—High Electricity Charges Allowances.
 No. 17—Overseas Living Allowance and other allowances.
 No. 18—Travelling Allowance and other allowances.
 Defence Act, Naval Defence Act and Air Force Act—Regulations—Statutory Rules 1987, No. 36.
 Excise Act—Regulations—Statutory Rules 1987, No. 28.
 Export Control Act—Export Control (Orders) Regulations—Orders—1987—
 No. 1—Prescribed Goods (General) as amended (Amendment).
 No. 2—Export Control (Fees) (Amendment).
 No. 3—Export Meat as amended (Amendment).
 Extradition (Foreign States) Act—Regulations—Statutory Rules 1987, No. 29.
 Fisheries Act—
 Notices—Nos. 175, 176.
 Plan of Management—No. 11—Southern Bluefin Tuna Fishery (Amendment).
 Health Insurance Act—Regulations—Statutory Rules 1987, Nos. 32, 33.
 International Finance Corporation Act—Regulation—Statutory Rules 1987, No. 39.
 Lands Acquisition Act—
 Land acquired for aviation purposes—Boulder, WA.
 Statements (3) of lands acquired by agreement authorised under sub-section 7 (1).
 Meat Inspection Act—Meat Inspection (Orders) Regulations—Orders—1987—
 No. 1—Meat Inspection (Fees) as amended (Amendment).
 Norfolk Island Act—Regulations—1987—No. 1 (Medical Practitioners Registration Act).
 Public Service Act—
 Determinations—1987—Nos. 4, 8, 9.
 Regulations—Statutory Rules 1987, No. 38.
 Radiocommunications Act—Standard—Statutory Rules 1987, No. 40.
 Remuneration Tribunals Act—Remuneration Tribunal—Determinations—
 1987/2—Human Rights Commissioner and holders of public offices on other bodies.
 1987/3—Australian Capital Territory Advisory Council.
 Seat of Government (Administration) Act—
 National Memorials Ordinance—Determination naming Divisions of the Australian Capital Territory, dated 10 March 1987.
 Ordinance—1987—No. 6—Cemeteries (Amendment).
 States Grants (Petroleum Products) Act—Amendments of the Schedules to the subsidy schemes in relation to the States, dated—
 23 February 1987.
 4 March 1987.
 States Grants (Tertiary Education Assistance) Act 1984—Direction—1987—No. 18.

Telecommunications Act—Australian Telecommunications Commission—By-laws—
Telecommunications (Charging Zones and Charging Districts)—Amendment
No. 75.

Telecommunications (Community Calls)—Amendment No. 46.

Torres Strait Fisheries Act—Regulation—Statutory Rules 1987, No. 31.

MEMBERS PRESENT: All Members were present (at some time during the sitting)
except Mr J. J. Brown, Dr Charlesworth, Dr H. R. Edwards and Mr Tuckey.

A. R. BROWNING
Clerk of the House of Representatives