

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 84

THURSDAY, 20 OCTOBER 1988

1 The House met, at 10 a.m., pursuant to adjournment. The Acting Speaker (Mr McLeay) took the Chair, and read Prayers.

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

Mr Aldred, Mr Beale, Mr Braithwaite, Mr N. A. Brown, Mr I. M. D. Cameron, Dr Charlesworth, Mr Courtice, Mr Fife, Mr T. A. Fischer, Mr Goodluck, Mr Griffiths, Mr Hall, Mr Hawke, Mr Hicks, Mrs Jakobsen, Mr Jenkins, Mr Johns, Mr Jull, Mrs Kelly, Mr Lloyd, Mr MacKellar, Mr Martin, Mr Milton, Mr Moore, Mr A. A. Morris, Mr P. F. Morris, Mr Nehl, Mr Peacock, Mr Pratt, Mr Shack, Mr Sharp, Mr Snow, Mr Snowdon, Mr Tuckey, Mr White and Dr Woods, from 27, 2, 162, 58, 27, 81, 54, 103, 86, 192, 26, 136, 106, 54, 56, 163, 136, 212, 134, 81, 133, 184, 27, 27, 54, 27, 256, 2, 54, 27, 79, 192, 27, 94, 84 and 74 petitioners, respectively, praying that the decision to place certain pharmaceutical drugs on the authority only listing be abandoned.

Mr Nehl, from 462 petitioners, in similar terms.

Dr Blewett, Mr Dobie, Mr Nehl and Mr Tuckey, from 88, 164, 166 and 56 petitioners, respectively, praying that the decision to place certain drugs on the "Authorities Required" list be reversed.

Mr Lloyd, Mr McArthur and Mr Pratt, from 43, 74 and 230 petitioners, respectively, praying that legislation which would reduce pension entitlements and access to fringe benefits not apply retrospectively in relation to certain forms of investment.

Mr Beale and Mr Carlton, from 2 and 27 petitioners, respectively, praying that the importation and possession of child pornography be made a criminal offence and certain other action be taken in relation to pornography in the ACT.

Mr Goodluck and Mr Shack, from 234 petitioners and 39 residents of Western Australia, respectively, praying that a non-violent erotica video classification not be adopted and certain other action be taken in relation to film classifications.

Mr Kent and Mr Milton, from 506 and 9 petitioners, respectively, praying that importation of cobalt 60 and other radioactive substances be banned and regulations permitting irradiation of food in Australia be disallowed.

Mr Beale, from 2 petitioners, praying that a request be made to the Romanian Government to abandon plans to destroy 7000 villages.

Mr Beale, from 2 petitioners, praying that the national flag not be changed except by a referendum.

- Dr Blewett, from 116 petitioners, praying that the decision to place the anti-epileptic medication "Epilim" on the "Authority only" listing be rescinded.
- Mr N. A. Brown, from 129 petitioners, praying that the proposed changes to the pension income test be abandoned.
- Mr Carlton, from 1922 petitioners, praying that the Flags Amendment Bill receive a speedy passage.
- Mr T. A. Fischer, from 139 petitioners, praying that PAYE taxes and all sales taxes be reduced by one third and certain action be taken in relation to government and statutory authority charges.
- Mr T. A. Fischer, from 325 petitioners, praying that television stations be compelled to reduce the incidence of crime and violence broadcast by 50%.
- Mr P. S. Fisher, from 11 petitioners, praying that the last line in each chorus of the National Song be altered from "Advance Australia Fair" to "God bless Australia Fair".
- Mr Fitzgibbon, from 11 petitioners, praying that the private airstrip at Luskintyre, NSW, be closed or its operations be restricted.
- Mr Langmore, from 16 petitioners, praying that pension benchmarks for Commonwealth public servants and defence force personnel which were affected by a 2% discount announced in the 1986 Budget be restored without further delay.
- Mr Milton, from 253 petitioners, praying that mining and mineral exploration in the Kakadu conservation zone be halted and certain other action be taken in relation to Kakadu National Park.
- Mr Nehl, from 14 petitioners, praying that legislation for any type of national identity system be abandoned.
- Mr Nehl, from 36 petitioners, praying that Australia withdraw from the Asian Regional Co-operative Project on Food Irradiation and from the International Consultative Group on Food Irradiation and certain other action be taken in relation to food irradiation.
- Mr Nehl, from 38 petitioners, praying that the Constitution be amended to provide for the holding of referenda if a certain percentage of electors petition either House of Parliament.
- Mr Nehl, from 286 petitioners, praying that a fishing agreement with the Soviet Union not be entered into.
- Mr Robinson, from 18 petitioners, praying that the proposed retrospective changes to the treatment of capital growth investments under the new income test for pensions be rejected.
- Mr Scholes, from 14 petitioners, praying that Telecom's social responsibilities be preserved, extended and adequately funded and certain other action be taken in relation to Telecom.
- Mr Snow, from 104 petitioners, praying that funding be provided to improve the Canberra to Batemans Bay, NSW (MR51), road and certain other action be taken in relation to the road.
- Mr Snowdon, from 244 residents of the Northern Territory, praying that the imposition of a tertiary graduate tax be opposed.
- Mr Snowdon, from 138 residents of the Northern Territory, praying that the right of the Kanak people to self determination and independence be supported and certain other action be taken in relation to New Caledonia.
- Mr Snowdon, from 97 residents of the Division of the Northern Territory, praying that the sale of the T-shirt displaying the slogan "ski the slopes", be prevented.
- Mr Tuckey, from 172 petitioners, praying that any proposal to absorb road funds into general revenue assistance to local or State Governments be opposed and certain other action be taken in relation to road funding.
- Dr Woods, from 249 petitioners, praying that the creation of embryos for the specific purpose of life destroying research be banned.

Petitions received.

3 FAMILY ASSISTANCE: Mr Porter, pursuant to notice, moved—That:

- (1) the Government's failed social and economic policies have caused widespread poverty among Australian families which will not be overcome by the Government's new family assistance package; and
- (2) the Government must reverse the record interest rates, high unemployment, high marginal tax rates, housing shortages, high rents and falling value of family allowances if it is to offer real assistance to Australian families.

Debate ensued.

Debate adjourned, and the resumption of the debate made an order of the day for the next sitting Thursday.

4 HUMAN RIGHTS AND AMNESTY INTERNATIONAL: Mr Tickner, pursuant to notice, moved—That this House recognises:

- (1) that the question of human rights is a legitimate international concern, transcending national boundaries, and rejects attempts to describe a concern for abuses of human rights as interference in the internal affairs of other states; and
- (2) the contribution made by Amnesty International in defending human rights around the world.

Debate ensued.

Mr Lamb addressing the House—

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Lamb was granted leave to continue his speech when the debate is resumed.

5 PUBLIC ENTERPRISE: Mr Milton, pursuant to notice, moved—That this House:

- (1) recognises the vital and creative role which public enterprise has provided in the development of Australia's economy and, in particular, the significant contributions made by the Commonwealth Bank, Telecom, Qantas and Australian Airlines; and
- (2) places on record its view that public ownership is an important and essential ingredient of economic policy.

Mr Cobb addressing the House—

It being 12.30 p.m., the debate was interrupted in accordance with sessional order 104A, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Cobb was granted leave to continue his speech when the debate is resumed.

6 GRIEVANCE DEBATE: Pursuant to the provisions of sessional order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Papers: Mr Aldred, by leave, presented the following papers:

Mr V. Zemskov.—Alleged KGB membership—Copies of—

Letter from Mr Aldred, MP, to Mr Hawke, Prime Minister, dated 20 October 1988.

Partial alphabetical listing of Soviet officials expelled worldwide, 1970-87.

Debate continued.

It being approximately 1.45 p.m., the debate was interrupted in accordance with sessional order 106.

Question—That grievances be noted—put and passed.

7 MEMBERS' STATEMENTS: Members' statements being made—

Paper: Dr H. R. Edwards, by leave, presented the following paper:

Third National Prayer Breakfast—10 October 1988—Programs for the Third National Prayer Breakfast and Fellowship Lunch and copy of Address given at the Breakfast by Sir Ronald Wilson, Justice of the High Court of Australia.

Members' statements continued.

- 8 **QUESTIONS:** Questions without notice were asked.
- 9 **SELECTION COMMITTEE—REPORT:** Mr McLeay (Chairman) presented the report of the Selection Committee relating to the program of business prior to 12.30 p.m. on Thursday, 3 November 1988.
- 10 **PAPERS:** The following papers were presented:
 Aboriginal Education Policy Task Force—Report, dated August 1988.
 Constitutional Commission—Final Report, 1988—Volumes 1 and 2.
 Defence Force Discipline Act—Judge Advocate General—Report for 1987.
 Employment, Education and Training Act—Guidelines pursuant to subsection 8 (1), in relation to performance of functions of the National Board of Employment, Education and Training.
 Higher education—A policy statement, dated July 1988.
 Official Establishments Trust—Report for 1987-88—Corrigendum.
 Ombudsman Act—Commonwealth Ombudsman and Defence Force Ombudsman—Reports, including freedom of information statement and reports made pursuant to the Freedom of Information Act and the Complaints (Australian Federal Police) Act, for 1987-88.
- 11 **CONSTITUTIONAL COMMISSION—FINAL REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Constitutional Commission—Final Report, 1988—Volumes 1 and 2.
 Debate adjourned (Mr Fife), and the resumption of the debate made an order of the day for the next sitting.
- 12 **HIGHER EDUCATION—PAPER—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Higher education—A policy statement, dated July 1988.
 Debate adjourned (Mr Fife), and the resumption of the debate made an order of the day for the next sitting.
- 13 **NATIONAL BOARD OF EMPLOYMENT, EDUCATION AND TRAINING—PAPER—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Employment, Education and Training Act—Guidelines pursuant to subsection 8 (1), in relation to performance of functions of the National Board of Employment, Education and Training.
 Debate adjourned (Mr Fife), and the resumption of the debate made an order of the day for the next sitting.
- 14 **ABORIGINAL EDUCATION POLICY TASK FORCE—REPORT—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:
 Aboriginal Education Policy Task Force—Report, dated August 1988.
 Debate adjourned (Mr Fife), and the resumption of the debate made an order of the day for the next sitting.
- 15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LIVING STANDARDS:** The House was informed that Mr Peacock (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The threat that the precarious balance of payments and huge foreign debt pose for living standards in Australia".
 The proposed discussion having received the necessary support—
 Mr Peacock addressed the House.
 Discussion ensued.
 Discussion concluded.

- 16 **SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED:** Mr Sinclair (Leader of the National Party of Australia) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the National Party introducing and moving the second reading of the Defence (Visiting Warships) Bill 1988 forthwith.

Debate ensued.

The time allowed by standing order 91 for debate on the motion having expired—Question—put.

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

AYES, 52

Mr Adermann	Mr Dobie	Mr Jull	Mr Ruddock
Mr Aldred	Mr Downer	Mr Lloyd	Mr Shack
Mr Andrew*	Dr H. R. Edwards	Mr McGauran	Mr Sharp
Mr Beale	Mr Fife	Mr MacKellar	Mr Shipton
Mr Blunt	Mr T. A. Fischer	Mr Macphee	Mr Sinclair
Mr Braithwaite	Mr P. S. Fisher	Mr Miles	Mr Smith
Mr N. A. Brown	Mr Goodluck	Mr Moore	Mrs Sullivan
Mr Cadman	Mr Hall	Mr Nehl	Mr Taylor
Mr E. C. Cameron	Mr Halverson	Mr Porter	Mr Tuckey
Mr Carlton	Mr Hawker	Mr Pratt	Mr Webster
Mr Cobb	Dr Hewson	Mr Prosser	Mr White
Mr Connolly	Mr Hicks*	Mr Reith	Mr Wilson
Mr Cowan	Mr Hunt	Mr Rocher	Dr Woods

NOES, 70

Mr Baldwin	Mr Duffy	Mr Jenkins	Mr Punch
Mr Beazley	Mr Duncan	Mr Johns	Mr Saunderson
Mr Beddall	Mr R. F. Edwards	Mr Jones	Mr Sawford
Mr Bilney	Ms Fatin	Mrs Kelly	Mr Scholes
Mr Blanchard	Mr Fitzgibbon	Mr Kent	Mr Sciacca
Mr J. J. Brown	Mr Free	Mr Kerr	Mr J. L. Scott
Mr R. J. Brown	Mr Gayler	Mr Lamb*	Mr L. J. Scott
Mr Campbell	Mr Gear	Mr Langmore	Mr Simmons
Mr Charles	Mr Gorman	Mr Lavarch	Mr Snow
Dr Charlesworth	Mr Grace	Mr Lee	Mr Snowdon
Mr Chynoweth	Mr Griffiths	Mr Lindsay	Mr Staples
Mr Cleeland	Mr Hand	Ms McHugh	Dr Theophanous
Mr Courtice	Mrs Harvey	Mr Martin	Mr Tickner
Ms Crawford	Mr Holding	Mr Mildren	Mr West
Mr Cross	Mr Hollis	Mr Milton	Mr Willis
Mr Cunningham*	Mr Howe	Mr A. A. Morris	Mr Wright
Mr Dawkins	Mr Humphreys	Mr O'Keefe	
Mr Dubois	Mrs Jakobsen	Mr Price	

* Tellers

And so it was negatived.

- 17 **MESSAGE FROM THE SENATE:** Message No. 219, dated 20 October 1988, from the Senate was reported acquainting the House of the appointment of the following Senators to the Joint Select Committee on Corporations Legislation, viz.: Senators Alston, Cooney, Macklin, McMullan and Short.
- 18 **MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS:** A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:
19 October 1988—Message No. 125—
States (Works and Housing) Assistance 1988.
Governor-General Amendment 1988.
- 19 **PUBLICATIONS COMMITTEE—9TH REPORT:** Mr Jenkins (Chairman) presented the 9th Report from the Publications Committee (sitting in conference with the Publications Committee of the Senate). The report is as follows:

9th Report

The Publications Committee has the honour to report that it has met in conference with the Publications Committee of the Senate.

The joint committee, having considered petitions and papers presented to the Parliament since 1 September 1988, recommends that the following be printed:

Administrative Review Council—Report No. 30—Access to Administrative Review: Provision of financial and legal assistance in administrative law matters.

Advance to the Minister for Finance for 1987-88—Statement of heads of expenditure and the amounts charged thereto pursuant to section 36A of the *Audit Act 1901*.

Archives Act—

Advisory Council on Australian Archives—Report for 1987-88.

Australian Archives—Report for 1987-88.

Australian Bureau of Statistics Act—

Australian Bureau of Statistics—Report for 1987-88.

Australian Statistics Advisory Council—Report for 1987-88.

Australian Federal Police Act—Australian Federal Police—Report for 1987-88.

Australian Meat and Live-stock Corporation Act—Australian Meat and Live-stock Corporation—Report for 1987-88.

Australian Meat and Live-stock Research and Development Corporation Act—Australian Meat and Live-stock Research and Development Corporation—Report for 1987-88.

Australian Science and Technology Council Act—Australian Science and Technology Council—Reports—

Casting the net: Post-harvest technologies and opportunity in the fishing industry, dated September 1988.

For 1987-88.

Bankruptcy Act—Report for 1986-87.

Canberra College of Advanced Education Act—Canberra College of Advanced Education—Report for 1987.

Christmas Island Act—Christmas Island Services Corporation—Report for 1986-87.

Commonwealth Banks Act—Commonwealth Banking Corporation—Report for 1987-88.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Reports—

Financing the Australian Capital Territory—Part 2—Analysis of findings—3rd report (1988).

55th Report, for 1987-88.

Conciliation and Arbitration Act—Australian Conciliation and Arbitration Commission—31st Report by the President for the year ended 13 August 1987.

Defence Act—Army and Air Force Canteen Service Board of Management—Report for period 27 January 1987 to 1 February 1988.

Director of Public Prosecutions Act—Office of Director of Public Prosecutions—Report for 1987-88.

Economic Planning Advisory Council Act—Economic Planning Advisory Council—Report for 1987-88.

High Court of Australia Act—High Court of Australia—Report for 1987-88.

Industries Assistance Commission—Reports—

Coastal shipping, dated 20 July 1988 (No. 415)—

Part A: Summary of findings.

Part B: Report and

Part C: Appendices.

Industries Assistance Commission Act—Industries Assistance Commission—Report for 1987-88.

Inspector-General of Intelligence and Security Act—Inspector-General of Intelligence and Security—Report for 1987-88.

Insurance and Superannuation Commission—

- Industry statistics 1987-88—Supplement to 1st Report.
 Report pursuant to requirements of the Insurance Act, the Insurance (Agents and Brokers) Act, and the Occupational Superannuation Standards Act, for 1987-88.
- Life Insurance Act—Insurance and Superannuation Commissioner—Life Insurance Group—
 Half yearly financial bulletin on life insurance, June 1987.
 Report for 1987.
- Maritime College Act—Council of the Australian Maritime College—Report for 1987.
- Medical Research Endowment Act—National Health and Medical Research Council—Report for 1987.
- Meteorology Policy Committee—Report for 1987.
- National Debt Sinking Fund Act—National Debt Commission—Report for 1987-88.
- Official Establishments Trust—Report for 1987-88.
- Overseas Professional Qualifications—Council—Report for 1986-87, including review of developments in the Council's first term of appointment, 1984-87.
- Public Service Act—
 Defence Report for 1987-88—
 Report.
 Appendix 9—Freedom of information statement.
- Department of Social Security—Report for 1987-88.
- Department of the House of Representatives—Report for 1987-88.
- Department of the Parliamentary Reporting Staff—Report for 1987-88.
- Department of the Prime Minister and Cabinet—Report for 1987-88.
- River Murray Waters Act—River Murray Commission—70th Report, for 1986-87.
- Services Trust Funds Act—
 Australian Military Forces Relief Trust Fund—Report by the Trustees for 1987.
 Royal Australian Air Force Welfare Trust Fund—Report by the Trustees for 1987.
- Telecommunications Act—Australian Telecommunications Commission—13th Report, for 1987-88.
- Trade Practices Act—Trade Practices Commission—Report for 1987-88.
- Wool Marketing Act—Australian Wool Corporation—Report for 1987-88.

H. A. JENKINS
 Chairman

20 October 1988

Mr Jenkins, by leave, moved—That the report be agreed to.
 Question—put and passed.

20 **SPECIAL ADJOURNMENT:** Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 1 November 1988, at 3 p.m., unless the Speaker fixes an alternative day or hour of meeting.

Debate ensued.

Question—put and passed.

21 **STANDING ORDERS—AMENDMENTS:** Mr Beazley (Leader of the House), pursuant to notice, moved—That standing orders 45, 46, 47, 199, 200 and 285 be amended by omitting “two” (wherever occurring) and substituting “four”.

Debate ensued.

Question—put and passed.

22 **VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL 1988:** Mr Humphreys (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to veterans' entitlements and other related matters.

Bill read a first time.

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

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

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

- 23 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—CONSTRUCTION OF SHELL FILLING FACILITY FOR ST MARYS MUNITIONS FILLING FACTORY, NSW:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of a shell filling facility for St Marys Munitions Filling Factory, NSW.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

- 24 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—DEVELOPMENT OF MILITARY POLICE COMPLEX AT GREEN HILLS, LIVERPOOL MILITARY AREA, NSW:** Mr West (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Development of a military police complex at Green Hills, Liverpool Military Area, NSW.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

- 25 **LANDS ACQUISITION BILL 1988:** 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—

Statement by Minister: Mr West (Minister for Administrative Services), by leave, made a statement relating to a replacement explanatory memorandum and proposed Government amendments to the Bill.

Papers: Mr West presented the following papers:

Lands Acquisition Bill 1988—

Replacement explanatory memorandum.

Supplementary explanatory memorandum on proposed Government amendments to the Bill.

Debate resumed.

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

Message from the Governor-General: Message No. 126, dated 22 May 1988, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5—

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

Page 2, line 7, omit “and”.

Page 2, line 8, omit “both that law and this Act”, substitute “that law”.

Page 2, after paragraph (1) (b) insert the following word and paragraph:

“and (c) this Act requires that the authority acquire or dispose of the interest in accordance with this Act;”.

Clause, as amended, agreed to.

Clause 6—

On the motion of Mr West, the following amendment was made: Page 2, line 39, after "Northern Territory" insert "or Norfolk Island".

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

Page 3, line 13, after "option" insert "and a right of redemption".

Page 3, lines 29-31, omit the definition of "owner".

Page 3, lines 39-44, omit the definition of "public purpose", substitute the following definition:

"'public purpose' means a purpose in respect of which the Parliament has power to make laws and includes, in relation to land in a Territory, any purpose in relation to the Territory;"

Clause, as amended, agreed to.

Clauses 7 to 16, by leave, taken together, and agreed to.

Clause 17—

On the motion of Mr West, the following amendment was made: Page 7, line 4, after "option" insert "and a right of redemption".

Clause, as amended, agreed to.

Clauses 18 to 20, by leave, taken together, and agreed to.

Clause 21—

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

Page 8, line 2, omit "An acquiring", substitute "Subject to subsection (2), an acquiring".

Page 8, at the end of the clause add the following subclauses:

"(2) Nothing in this Act prevents the benefit of a restriction on the use of land becoming vested in an authority by the operation of a law other than this Act.

"(3) In spite of paragraph 48 (1) (b) of the *Acts Interpretation Act 1901*, regulations made for the purpose of paragraph (1) (b) of this section may provide that the regulations shall take effect on a date to be fixed by the Minister by notice published in the *Gazette*.

"(4) The Minister shall not fix a date for the purpose of subsection (3) that is earlier than:

- (a) the last day on which a notice could be given under subsection 48 (4) of the *Acts Interpretation Act 1901* in relation to the regulations; or
- (b) if such a notice is given, the latest day on which the regulations could be disallowed by a House of the Parliament in which such a notice has been given."

Clause, as amended, agreed to.

Clause 22—

On the motion of Mr West, the following amendment was made: Page 8, omit subclauses (1), (2) and (3), substitute the following subclauses:

"(1) The Minister may declare in writing that the Minister is considering the acquisition by an acquiring authority of an interest in land (other than a mortgage interest) for a public purpose.

"(2) The declaration shall identify the acquiring authority, the land, the interest in the land and the public purpose.

"(3) Except where the interest is a restriction on the use of land, the Minister shall include in the declaration:

- (a) a statement that the land appears to the Minister to be suitable for use, or for development for use, for a public purpose; and
- (b) a statement setting out:
 - (i) particulars of the use to which the land will be put or for which it will be developed; and
 - (ii) the reasons why the land appears to be suitable for that use or for development for that use.

“(4) Where the interest is a restriction on the use of land, the Minister shall include in the declaration:

- (a) a statement that it appears to the Minister to be appropriate for the acquiring authority to be given, for a public purpose, the benefit of the restriction on the use of the land; and
- (b) a statement:
 - (i) explaining the nature of the restriction; and
 - (ii) setting out the reasons why it is appropriate for the acquiring authority to be given the benefit of the restriction.

“(5) The Minister may include in the declaration a statement that the proposed use of the land, or the proposed restriction on the use of the land, as the case may be, is connected with the implementation of a policy particulars of which are set out in the declaration.”.

Clause, as amended, agreed to.

Clause 23 agreed to.

Clause 24—

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

Page 10, line 7, after “declaration;” insert “or”.

Page 10, lines 8-10, omit paragraph (b) and the word “or” following it.

Clause, as amended, agreed to.

Clauses 25 to 30, by leave, taken together, and agreed to.

Clause 31—

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

Page 13, lines 5-12, omit paragraphs (1) (a), (b), (c), (d) and (e), substitute the following paragraphs:

- “(a) the nature of the public purpose identified in the declaration;
- (b) except where the relevant interest in land is a restriction on the use of land:
 - (i) the nature of the proposed use of the relevant land;
 - (ii) the extent to which the proposed use is connected with the public purpose;
 - (iii) the extent to which the proposed use is in the public interest; and
 - (iv) the suitability of the land for, or for development for, the proposed use;
- (c) where the relevant interest in land is a restriction on the use of land:
 - (i) the nature of the proposed restriction;
 - (ii) the extent to which the proposed restriction is connected with the public purpose;
 - (iii) the extent to which the proposed restriction is in the public interest; and
 - (iv) the appropriateness of the benefit of the proposed restriction being acquired by the acquiring authority;”.

Page 13, line 18, after “developed” insert “, or the use of the land were restricted, as the case may be,”.

Page 13, line 19, after “development” insert “, or that restriction,”.

Page 14, line 4, omit “proposed use of the land to which the declaration relates is a use”, substitute “proposed use, or proposed restriction on the use, as the case may be, of the relevant land is”.

Clause, as amended, agreed to.

Clause 32 agreed to.

Clause 33—

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

Page 14, after subclause (1) insert the following subclause:

“(2) The Minister is not entitled to reject a recommendation of the Tribunal more than 90 days after the decision of the Tribunal comes into operation.”.

Page 14, line 33, omit “15”, substitute “3”.

Clause, as amended, agreed to.

Clauses 34 to 40, by leave, taken together, and agreed to.

Clause 41—

On the motion of Mr West, the following amendment was made: Page 17, line 35, omit “declaration interest”, substitute “interest identified in the declaration”.

Clause, as amended, agreed to.

Clauses 42 to 45, by leave, taken together, and agreed to.

Clause 46—

On the motion of Mr West, the following amendment was made: Page 20, line 12, omit “28 days”, substitute “7 sitting days of that House”.

Clause, as amended, agreed to.

Clauses 47 to 54, by leave, taken together, and agreed to.

Clause 55—

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

Page 23, line 32, omit “and”.

Page 23, after subparagraph (2) (a) (iii) insert the following word and subparagraph:

“and (iv) where the acquisition has the effect of severing the acquired interest from another interest, any increase or decrease in the market value of the interest still held by the person resulting from the nature of, or the carrying out of, the purpose for which the acquired interest was acquired;”.

Clause, as amended, agreed to.

Clauses 56 and 57, by leave, taken together, and agreed to.

Clause 58—

On the motion of Mr West, the following amendment was made: Page 25, omit the last 2 lines of subclause 58 (3), substitute:

“FI is the present value of any real and substantial saving in recurring costs (relating to land or an interest in land) gained by the person as a result of the relocation.”.

Clause, as amended, agreed to.

Clauses 59 and 60, by leave, taken together, and agreed to.

Clause 61—

On the motion of Mr West, the following amendment was made: Page 26, line 33, omit “\$5,000”, substitute “\$10,000 (or that amount as indexed by section 126)”.

Clause, as amended, agreed to.

Clauses 62 to 95, by leave, taken together, and agreed to.

Clause 96—

On the motion of Mr West, the following amendment was made: Pages 41 and 42, omit the clause, substitute the following clause:

Entitlement to compensation—pre-acquisition declaration or section 24 certificate made but acquisition not proceeded with

“96. (1) Where:

- (a) a pre-acquisition declaration is revoked or ceases to have effect because of subsection 44 (2) or 46 (3);
- (b) a person who, when the declaration was in force, was an owner of an interest affected by the declaration, suffers loss as a direct, natural and reasonable consequence of the making of the declaration; and
- (c) within 3 years after the declaration is revoked or ceases to have effect, the person claims compensation in accordance with section 97;

the Commonwealth is liable to pay to the person as compensation such amount as will justly compensate him or her for the loss.

“(2) Where:

- (a) a certificate under section 24 is revoked or ceases to have effect because of subsection 46 (3);
 - (b) a person who, when the certificate was in force, was a person affected by the certificate, suffers loss as a direct, natural and reasonable consequence of the giving of the certificate; and
 - (c) within 3 years after the certificate is revoked or ceases to have effect, the person claims compensation in accordance with section 97;
- the Commonwealth is liable to pay to the person as compensation such amount as will justly compensate him or her for the loss.”.

Clause, as amended, agreed to.

Clauses 97 to 116, by leave, taken together, and agreed to.

Clause 117—

On the motion of Mr West, the following amendment was made: Page 51, at the end of the clause add the following subclauses:

“(2) In spite of paragraph 48 (1) (b) of the *Acts Interpretation Act 1901*, regulations made for the purpose of paragraph (1) (b) of this section may provide that the regulations shall take effect on a date to be fixed by the Minister by notice published in the *Gazette*.

“(3) The Minister shall not fix a date for the purpose of subsection (2) that is earlier than:

- (a) the last day on which a notice could be given under subsection 48 (4) of the *Acts Interpretation Act 1901* in relation to the regulations; or
- (b) if such a notice is given, the latest day on which the regulations could be disallowed by a House of the Parliament in which such a notice has been given.”.

Clause, as amended, agreed to.

Clauses 118 to 120, by leave, taken together, and agreed to.

Clause 121—

On the motion of Mr West, the following amendment was made: Pages 51 and 52, omit subclauses (2) and (3), substitute the following subclauses:

“(2) An offer shall be made by the Minister by written notice given to the former owner and shall specify the amount that, in the opinion of the Minister, represents the market value of the interest at the time of the offer.

“(3) The acquiring authority shall not dispose of the interest to a person other than the former owner within 28 days after the day on which the offer is made.

“(4) If, within that period of 28 days, the former owner gives to the Minister notice that he or she wishes to purchase the interest from the acquiring authority, the authority shall not dispose of the interest to a person other than the former owner within 2 months after the notice is given.

“(5) The former owner may apply to the Administrative Appeals Tribunal for review of the Minister's decision as to the amount specified in the offer as the market value of the interest.

“(6) The *Administrative Appeals Tribunal Act 1975* applies to the former owner's application.

“(7) If the former owner makes an application to the Administrative Appeals Tribunal, the acquiring authority shall not dispose of the interest to a person other than the former owner:

- (a) until the end of 14 days after the decision of the Tribunal on the application comes into operation; or
- (b) if, within that period of 14 days, the owner gives the Minister written notice of his or her wish to purchase the interest from the Commonwealth at the market value determined by the Tribunal, until the end of 2 months after the decision of the Tribunal comes into operation.

“(8) The Minister may, by notice in writing given to the former owner, extend the period of 2 months referred to in paragraph (7) (b).

“(9) The validity of the disposal of an interest in land is not affected by a failure to comply with this section.

“(10) In this section:

‘former owner’, in relation to an interest in land, means:

- (a) if the interest was acquired by the acquiring authority from only one person and that person is still alive or, in the case of a corporation, is still in existence—that person; and
- (b) in any other case—such persons (if any) as the Minister, having regard to the interest that existed in the land immediately before the acquisition, considers to be fairly entitled to the benefit of subsection (1);

‘market value’ has the same meaning as in section 56.”

Clause, as amended agreed to.

Clauses 122 and 123, by leave, taken together, and agreed to.

Clause 124—

Mr Fife moved the following amendment:

Pages 53 and 54, omit the clause, substitute the following clause:

Mining etc. on certain land

“124. (1) The Governor-General may authorise the grant of a lease or licence to a person to explore, recover or mine for minerals on land situated in a State, which is vested in the Commonwealth.

“(2) Subject to such exemptions and modifications as are prescribed, the laws of the State in which the land is situated relating to mining shall, so far as applicable, apply to a lease or licence under this section, and to exploration, recovering or mining carried on under the lease or licence.

“(3) In this section:

‘mineral’ means a naturally occurring substance or mixture of substances;

‘mining law’ means a law relating to the exploration for, or mining or recovery of, minerals and includes a law relating to the protection of the environment from the effect of such exploration, mining or recovery;

‘relevant land’ means:

- (a) land in a State vested in an acquiring authority, being land that is a Commonwealth place for the purposes of the *Commonwealth Places (Application of Laws) Act 1970*; or
- (b) land in a Territory, being land:
 - (i) vested in an acquiring authority; or
 - (ii) that:
 - (A) is in a conservation zone within the Northern Territory pastoral lease area; and
 - (B) by a grant under section 12 of the *Aboriginal Land Rights (Northern Territory) Act 1976* is vested in an Aboriginal Land Trust, whether the vesting occurred or occurs before or after the commencement of this section.”.

Debate continued.

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

Question—That the amendment be agreed to—put.

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

AYES, 45

Mr Adermann	Dr H. R. Edwards	Mr Lloyd	Mr Shack
Mr Aldred	Mr Fife	Mr McGauran	Mr Sharp
Mr Andrew*	Mr T. A. Fischer	Mr MacKellar	Mr Shipton
Mr Beale	Mr P. S. Fisher	Mr Macphee	Mrs Sullivan
Mr Blunt	Mr Goodluck	Mr Miles	Mr Taylor
Mr Braithwaite	Mr Hall	Mr Moore	Mr Tuckey
Mr N. A. Brown	Mr Halverson	Mr Porter	Mr Webster
Mr E. C. Cameron	Mr Hawker	Mr Pratt	Mr White
Mr Connolly	Dr Hewson	Mr Prosser	Dr Woods
Mr Cowan	Mr Hicks*	Mr Reith	
Mr Dobie	Mr Hunt	Mr Robinson	
Mr Downer	Mr Jull	Mr Rocher	

NOES, 69

Mr Baldwin	Mr R. F. Edwards	Mr Jones	Mr Sawford
Mr Beazley	Ms Fatin	Mrs Kelly	Mr Scholes
Mr Beddall	Mr Fitzgibbon	Mr Kent	Mr Sciacca
Mr Bilney	Mr Free	Mr Kerr	Mr J. L. Scott
Mr Blanchard	Mr Gayler	Mr Lamb*	Mr L. J. Scott
Mr R. J. Brown	Mr Gear	Mr Langmore	Mr Simmons
Mr Campbell	Mr Gorman	Mr Lavarch	Mr Snow
Mr Charles	Mr Grace	Mr Lee	Mr Snowdon
Dr Charlesworth	Mr Griffiths	Mr Lindsay	Mr Staples
Mr Chynoweth	Mr Hand	Ms McHugh	Dr Theophanous
Mr Cleeland	Mrs Harvey	Mr Martin	Mr Tickner
Mr Courtice	Mr Holding	Mr Mildren	Mr Uren
Ms Crawford	Mr Hollis	Mr Milton	Mr West
Mr Cross	Mr Howe	Mr A. A. Morris	Mr Willis
Mr Cunningham*	Mr Humphreys	Mr Mountford	Mr Wright
Mr Dubois	Mrs Jakobsen	Mr O'Keefe	
Mr Duffy	Mr Jenkins	Mr Price	
Mr Duncan	Mr Johns	Mr Saunderson	

* Tellers

And so it was negatived.

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

Page 54, lines 6-10, omit the definitions of "mineral" and "mining law", substitute the following definitions:

"'conservation zone' means a conservation zone declared under section 8A of the *National Parks and Wildlife Conservation Act 1975*;

'Gimbat' or 'Goodparla' means, in each case, the area described by that name (being an area of land that is or was subject to a pastoral lease) on the map referred to in the definition of 'Alligator Rivers Region' in section 3 of the *Environment Protection (Alligator Rivers Region) Act 1978*;

'mineral' means a naturally occurring substance or mixture of substances;

'Northern Territory pastoral lease area' means the area delineated by the outer boundaries of the aggregate area comprising Gimbat and Goodparla;"

Page 54, lines 12-14, omit " , being land that is a Commonwealth place for the purposes of the *Commonwealth Places (Application of Laws) Act 1970*".

Page 54, at the end of the clause add the following subclause:

"(9) Nothing in this section shall be read as authorising the making of regulations extending to land vested in an Aboriginal Land Trust, other than land referred to in subparagraph (b) (ii) of the definition of 'relevant land' in subsection (7)."

Clause, as amended, agreed to.

Clause 125 agreed to.

New clause—

On the motion of Mr West, the following new clause was inserted in Part XII of the Bill:

Indexation of subsection 61 (2) amount

“125A. (1) In this section:

‘index number’, in relation to an index year, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that index year;

‘index year’ means a period of 12 months commencing on 1 April.

“(2) Where the factor ascertained in accordance with subsection (4) in relation to a financial year is greater than one, section 61 has effect as if, for the amount of \$10,000 specified in subsection 61 (2), there were substituted, on the first day of that financial year, an amount calculated by multiplying the existing amount by that factor.

“(3) For the purpose of subsection (2), the existing amount is:

(a) if, because of the operation of subsection (2), section 61 already has effect as if an amount were substituted for the amount of \$10,000 specified in subsection 61 (2)—the substituted amount; and

(b) in any other case—\$10,000.

“(4) The factor to be ascertained for the purpose of subsection (2) in relation to a financial year is the number (calculated to 3 decimal places) ascertained by dividing the index number for the index year that ended on the 31 March preceding the commencement of that financial year by the index number for the previous index year.

“(5) Where a factor ascertained under subsection (4) would, if calculated to 4 decimal places, end with a number greater than 4, the factor ascertained shall be taken to be the factor calculated to 3 decimal places and increased by .001.

“(6) Subject to subsection (7), if at any time, whether before or after the commencement of this Act, the Australian Statistician has published or publishes an index number in respect of an index year in substitution for an index number previously published in respect of the same index year, the publication of the later index number shall be disregarded for the purposes of this section.

“(7) If at any time, whether before or after the commencement of this Act, the Australian Statistician has changed or changes the reference base for the Consumer Price Index, then, for the purposes of the application of this section after the change, regard shall be had only to the index number published in terms of the new reference base.”

Clauses 126 to 131, by leave, taken together, and agreed to.

New clause—

On the motion of Mr West, the following new clause was inserted in the Bill:

Injunctions

“131A. (1) Where a person has used, or is proposing to use, land in a manner inconsistent with a restriction on the use of the land acquired by an acquiring authority under this Act, the Federal Court may, on the application of that authority, grant an injunction restraining the person from using the land in that manner.

“(2) Where an application is made to the Court for an injunction under this section, the Court may, if in the Court’s opinion it is desirable to do so, grant an interim injunction restraining a person from engaging in conduct of the kind to which the application relates pending the determination of the application.

“(3) The Court may discharge or vary an injunction granted under this section.

“(4) The power of the Court to grant an injunction restraining a person from using land in a particular manner may be exercised:

- (a) if the Court is satisfied that the person has used the land in that manner—whether or not it appears to the Court that the person intends again to use the land, or to continue to use the land, in that manner; or
- (b) if it appears to the Court that, in the event that an injunction is not granted, it is likely that the person will use the land in that manner—whether or not the person has previously used the land in that manner and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person uses the land in that manner.

“(5) The powers conferred on the Court by this section are in addition to, and not in derogation of, any other powers of the Court, whether conferred by this Act or otherwise.”.

Clauses 132 to 136, by leave, taken together, and agreed to.

Clause 137—

On the motion of Mr West, the following amendment was made:

Page 59, line 7, omit “person”, substitute “member of the Australian Public Service”.

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

The House resumed; Mr Ruddock reported accordingly.

On the motion of Mr West, by leave, the House adopted the report.

Mr West, by leave, moved—That the Bill be now read a third time.

Debate ensued.

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

- 26 **STANDING COMMITTEES—MEMBERSHIP:** The House was informed of the nominations of Members to be members of the following standing committees:

Standing Committee on Legal and Constitutional Affairs:

Mr Smith had been nominated by the Opposition Whip in place of Mr Reith.

Standing Committee on Finance and Public Administration:

Mr Shipton had been nominated by the Opposition Whip in place of Dr Hewson.

- 27 **PUBLIC ACCOUNTS COMMITTEE—MEMBERSHIP:** Mr R. J. Brown (Minister for Land Transport and Shipping Support), by leave, moved—That Dr Hewson be discharged from attendance on the Joint Committee of Public Accounts, and that, in his place, Mr Prosser be appointed a member of the committee.

Question—put and passed.

- 28 **JUDICIAL AND STATUTORY OFFICERS (REMUNERATION AND ALLOWANCES) AMENDMENT BILL 1988:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

Message from the Governor-General: Message No. 127, dated 31 August 1988, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr R. J. Brown (Minister for Land Transport and Shipping Support), the Bill was read a third time.

29 **BOUNTY AND SUBSIDY LEGISLATION AMENDMENT BILL (NO. 2) 1988:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Mr Courtice addressing the House—

Adjournment negated: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Jones (Minister for Science, Customs and Small Business) requiring the question to be put forthwith without debate—

Question—put and negated.

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.

30 **ADJOURNMENT:** Mr Jones (Minister for Science, Customs and Small Business) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Acting Speaker adjourned the House until Tuesday, 1 November 1988, at 3 p.m., in accordance with the resolution agreed to this day.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Dr Blewett, Mr Bowen, Mr Brumby, Mr Burr, Mr D. M. Cameron, Mr I. M. D. Cameron, Mrs Child, Mr Cohen, Mrs Darling, Mr Katter, Dr Klugman, Mr McArthur, Mr Millar, Mr O'Neil and Dr Wooldridge.

A. R. BROWNING

Clerk of the House of Representatives