

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 116

THURSDAY, 4 MAY 1989

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 Bowen, Mr N. A. Brown, Mr D. M. Cameron, Mr Carlton, Mr Charles, Mr Cleeland, Mr Cobb, Mr Cohen, Mr Cross, Mr Duffy, Dr H. R. Edwards, Mr T. A. Fischer, Mr P. S. Fisher, Mr Griffiths, Dr Hewson, Mr Hicks, Mr Holding, Mr Humphreys, Mr Lee, Mr Mildren, Mr Millar, Mr Moore, Mr A. A. Morris, Mr Nehl, Mr Peacock, Mr Scholes, Mr L. J. Scott, Mr Sharp, Mr Simmons, Mr Snowdon, Mrs Sullivan and Mr West, from 356, 185, 12, 96, 849, 48, 273, 257, 196, 131, 474, 357, 42, 109, 38, 36, 98, 76, 572, 2401, 89, 40, 263, 139, 213, 288, 340, 49, 136, 93, 61, 70, 444 and 190 petitioners, respectively, praying that action to reverse rising cost trends be taken and positive incentives provided to encourage all health funds to share the cost of health care for the sick and elderly.

Mr D. M. Cameron, Mrs Darling, Ms Fatin, Mr Jenkins, Mr Katter, Mr Miles, Mr Sciacca, Mr Tuckey and Dr Woods, from 16, 8, 24, 5, 62, 48, 13, 289 and 46 petitioners, respectively, praying that the importation and availability of pornography in videos, films and television be banned and certain other action be taken in relation to pornography.

Mr Carlton, Dr Hewson, Mr A. A. Morris, Mr L. J. Scott, Mr Snowdon and Dr Wooldridge, from 27, 54, 31, 21, 44 and 5 petitioners, respectively, praying that the decision to place certain pharmaceutical drugs on the "Authority only" listing be abandoned.

Mr Adermann, Mr Charles, Mr Humphreys and Mrs Sullivan, from 15, 102, 78 and 1134 petitioners, respectively, praying that the aged pension be increased to 30 per cent of average weekly earnings and certain other action be taken in relation to pensions.

Mr Fife, Mr Jull and Mr Shack, from 12, 135 and 142 petitioners, respectively, praying that the excessive reliance on high interest rates as the major economic policy weapon cease.

Mr E. C. Cameron and Dr H. R. Edwards, from 33 and 8 petitioners, respectively, in similar terms.

Dr Blewett and Mr Snow, from 18 and 673 petitioners, respectively, praying that the provision of an adequately funded pharmaceutical benefits scheme which ensures availability of pharmaceutical benefits through local pharmacies be guaranteed.

Mr Kerr, from 40 petitioners, in similar terms.

- Mr Cobb and Mr Nehl, from 189 and 78 petitioners, respectively, praying that any restructuring of Australia Post's operations not result in any reduction of postal services to customers.
- Mr T. A. Fischer and Mr Nehl, from 83 and 502 petitioners, respectively, praying that the importing and exporting of chlorofluorocarbons be banned and certain other legislative action be taken in response to the greenhouse effect.
- Mr Jenkins and Dr Wooldridge, from 11 and 43 petitioners, respectively, praying that the national flag not be changed except by a referendum.
- Mr Andrew, from 2976 petitioners, praying that a financially viable nursing home be maintained as an adjunct to the Star of the Sea Home for Aged at Wallaroo, SA.
- Dr Blewett, from 1222 petitioners, praying that all advertising of alcohol on radio and television be banned.
- Mr Brumby, from 64 petitioners, praying that due consideration be given to increasing the amount of funds available to local government authorities for roadworks.
- Mr Burr, from 109 petitioners, praying that the assets test be abolished and an income test be used to determine eligibility for Austudy or the Isolated Childrens Allowance.
- Mr D. M. Cameron, from 48 petitioners, praying that demands to remove smoking sections on Qantas international flights be ignored.
- Mr E. C. Cameron, from 22 electors of the Division of Indi, praying that road funding levels be increased through a clear dedication of a proportion of fuel excise collected and certain other action be taken in relation to road funding arrangements.
- Mr Chynoweth, from 20 378 petitioners, praying that the moratorium on mining of the Antarctic continent be extended and certain other action be taken in relation to environmental protection of the Antarctic.
- Mr T. A. Fischer, from 60 petitioners, praying that the ABC review its decision to alter its rural programs.
- Mr T. A. Fischer, from 41 petitioners, praying that CPI-based increases to fuel excise be halved and the proportion of this tax spent on roads increased by one half.
- Mr Halverson, from 852 petitioners, praying for legislation to control the use in Australia of substances that damage the ozone layer and that similar international action be promoted.
- Mr Hand, from 88 residents of Victoria, praying that certain action be taken to ensure that dioxins are removed during the manufacture of paper products.
- Mr Hicks, from 181 residents of Broken Hill, NSW, praying that increased funding be provided for support services to the frail and aged in Broken Hill and certain other action be taken in relation to aged care.
- Mr Holding, from 96 petitioners, praying that an International Earth Repair Action Decade begin on 5 June 1990.
- Mr Holding, from 69 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 Kerr, from 552 petitioners, praying that an immediate ban be placed on the importation of all tropical timber.
- Mr Kerr, from 105 petitioners, praying that the existing national flag remain sacrosanct.
- Mr Kerr, from 93 petitioners, praying that no action be taken to change the national flag.
- Mr Langmore, from 214 petitioners, praying that Overseas Vaccination Clinics be maintained in their present form.

Mr Lloyd, from 31 petitioners, praying that legislation be amended to allow cheaper fuel for country people.

Mr Lloyd, from 22 petitioners, praying that local government be allocated more resources to address the problem of deteriorating road networks.

Mr Miles, from 39 petitioners, praying that the conclusion of a treaty between Aboriginal and other Australians or any proposal which divides rather than unites Australia be opposed.

Mr Nehl, from 333 petitioners, praying that legislation be passed to ban the distribution of X-rated videos.

Mr Snowdon, from 42 residents of the Northern Territory, praying that the *Northern Territory Aboriginal Areas Protection Bill (1988)* be stopped from becoming law and certain action be taken to help Aboriginal people protect their sacred sites.

Mr Spender, from 198 petitioners, praying that woodchipping be phased out and certain other action be taken in relation to the forests of south eastern Australia.

Mr Tuckey, from 16 petitioners, praying that section 13 of the Customs (Cinematograph Films) Regulations be retained and certain other action be taken in relation to censorship.

Petitions received.

- 3 CORPORATIONS LEGISLATION—JOINT SELECT 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 R. F. Edwards—That the House take note of the report (*presented on 13 April 1989*), viz.:

Corporations Legislation—Joint Select Committee—Report, including 2 dissenting reports, dated April 1989—

Debate resumed.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting Thursday.

- 4 CRIMES (PROTECTION OF AUSTRALIAN FLAGS) BILL 1989:** Mr Cobb, pursuant to notice, presented a Bill for an Act to amend the *Crimes Act 1914* to provide for the protection of certain Australian Flags.

Mr Cobb made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Thursday, in accordance with sessional order 104A.

- 5 SOUTH PACIFIC NUCLEAR FREE ZONE TREATY:** Mr Tickner, pursuant to notice, moved—That this House:

(1) supports the South Pacific Nuclear Free Zone Treaty; and

(2) opposes the (a) stationing of nuclear weapons in Australia; (b) testing of nuclear weapons in Australia; and (c) acquisition or production of nuclear weapons by Australia.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, and the resumption of the debate made an order of the day for the next sitting Thursday.

- 6 WESLEY VALE AND INDUSTRIAL DEVELOPMENT:** Mr Burr, pursuant to notice, moved—That this House condemns the Government for its inept handling of the Wesley Vale issue which led to the abandonment of a \$1 billion development and urges the Government to develop a comprehensive set of guidelines for industrial development as a matter of urgency.

Debate ensued.

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

7 **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.

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

Question—That grievances be noted—put and passed.

8 **MEMBERS' STATEMENTS:** Members' statements were made.

9 **QUESTIONS:** Questions without notice were asked.

10 **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, 11 May 1989.

11 **PAPERS:** The following papers were presented:

Audit Act—Australian Capital Territory Forestry Trust Account—Report and financial statements, including the Auditor-General's Report, for 1987-88.

Equal Employment Opportunity (Commonwealth Authorities) Act—Aboriginal Hostels Limited—Equal Employment Opportunity program—Report, dated 15 December 1988.

12 **CENSUS OF POPULATION AND HOUSING, 1991—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS:** Mr P. F. Morris (Minister Assisting the Treasurer), by leave, made a ministerial statement announcing the decision of the Government to conduct the twelfth national census of population and housing in 1991, and presented the following papers:

Census of population and housing, 1991—

Content and procedures—Information paper by Australian Bureau of Statistics, dated May 1989.

Ministerial statement, 4 May 1989.

Mr Beazley (Leader of the House) moved—That the House take note of the papers.

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

13 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported:

(a) acquainting the House of the following resolution agreed to by the Senate:

(1) That the following matter be referred to the Joint Standing Committee on Electoral Matters for inquiry and report: The method and practice of the first A.C.T. election.

(2) That the Committee review the electoral system and the election process.

(3) That the Committee particularly examine whether the deposit required to be paid by candidates is adequate and whether the cut-off level for unsuccessful candidates is set at the most appropriate level—Message No. 335, dated 3 May 1989.

(b) returning the following Bills without amendment: 4 May 1989—Message—No. 336—Broadcasting (Ownership and Control) (No. 2) 1988.
No. 337—Crimes (Hostages) 1988.

14 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRICE INCREASES:** The House was informed that Dr Hewson had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The deliberate attempt of the Government to deceive the Australian people regarding price increases".

The proposed discussion having received the necessary support—
Dr Hewson addressed the House.

Discussion ensued.

Discussion concluded.

- 15 **SUSPENSION OF SESSIONAL ORDER 48A AND STANDING ORDER 103:** Mr Beazley (Leader of the House), by leave, moved—That sessional order 48A (adjournment of House) and standing order 103 (11 o'clock rule) be suspended for this sitting. Question—put and passed.

- 16 **STANDING ORDER 117—AMENDMENT:** Mr Beazley (Leader of the House), pursuant to notice, moved—That, unless otherwise ordered, the following amendment to the standing orders be adopted with effect from 4 May 1989: Standing order 117 be omitted and the following standing order substituted:

To be in English or accompanied by translation

117. Every petition shall be in the English language or be accompanied by a translation certified to be correct. A person certifying a translation to be correct shall affix his or her name and address to the translation.

Debate ensued.

Question—put and passed.

- 17 **AUSTRALIAN FEDERAL POLICE LEGISLATION AMENDMENT BILL 1989:** Mr Bowen (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Australian Federal Police Act 1979* and the *Superannuation Act 1976*.

Bill read a first time.

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

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

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

- 18 **HORTICULTURAL LEGISLATION AMENDMENT BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend certain laws relating to horticultural products, and for related purposes.

Bill read a first time.

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

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

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

- 19 **HORTICULTURAL LEVY AMENDMENT BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Horticultural Levy Act 1987*.

Bill read a first time.

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

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

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

- 20 **HORTICULTURAL EXPORT CHARGE AMENDMENT BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Horticultural Export Charge Act 1987*.

Bill read a first time.

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

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

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

- 21 **CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 1989:** Mr R. J. Brown (Minister for Land Transport and Shipping Support) presented a Bill for an Act to amend the *Customs Tariff Act 1987*.

Bill read a first time.

Mr R. J. Brown moved—That the Bill be now read a second time.

Paper: Mr R. J. Brown presented an explanatory memorandum to the Bill.

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

- 22 **ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION BILL 1989:** Mr Hand (Minister for Aboriginal Affairs), pursuant to notice, presented a Bill for an Act to establish an Aboriginal and Torres Strait Islander Commission and an Aboriginal and Torres Strait Islander Commercial Development Corporation, and for related purposes.

Bill read a first time.

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

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

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

- 23 **INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES BILL 1989:** Mr Hand (Minister for Aboriginal Affairs), pursuant to notice, presented a Bill for an Act to establish an Institute of Aboriginal and Torres Strait Islander Studies, and for related purposes.

Bill read a first time.

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

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

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

- 24 **ABORIGINAL DEVELOPMENT COMMISSION AMENDMENT BILL 1989:** Mr Hand (Minister for Aboriginal Affairs), pursuant to notice, presented a Bill for an Act to amend the *Aboriginal Development Commission Act 1980*, and for related purposes.

Bill read a first time.

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

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

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

- 25 **SUPPORTED ACCOMMODATION ASSISTANCE BILL 1989:** Mr Staples (Minister for Housing and Aged Care), pursuant to notice, presented a Bill for an Act relating to financial assistance to the States, the Australian Capital Territory and the Northern Territory in connection with the provision of supported accommodation services and related support services, and for related purposes.

Bill read a first time.

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

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

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

- 26 **BANKING LEGISLATION AMENDMENT BILL 1989:** Mr P. F. Morris (Minister Assisting the Treasurer), pursuant to notice, presented a Bill for an Act to amend the law relating to banking.

Bill read a first time.

Mr P. F. Morris moved—That the Bill be now read a second time.

Paper: Mr P. F. Morris presented an explanatory memorandum to the Bill.

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

- 27 **TAXATION LAWS AMENDMENT (SUPERANNUATION) BILL 1989:** Mr P. F. Morris (Minister Assisting the Treasurer) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

Mr P. F. Morris moved—That the Bill be now read a second time.

Paper: Mr P. F. Morris presented an explanatory memorandum to the following Bills:

Taxation Laws Amendment (Superannuation) 1989.

Income Tax Rates Amendment (No. 2) 1989.

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

- 28 **INCOME TAX RATES AMENDMENT BILL (NO. 2) 1989:** Mr P. F. Morris (Minister Assisting the Treasurer) presented a Bill for an Act to amend the *Income Tax Rates Act 1986*, and for related purposes.

Bill read a first time.

Mr P. F. Morris moved—That the Bill be now read a second time.

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

- 29 **WHEAT MARKETING BILL 1989:** 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. 195, dated 17 April 1989, 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

Clause 1 agreed to.

Clause 2—

Mr Hall moved—That the clause be omitted, and the following clause be substituted:

Commencement

“2. (1) Section 1 and subsections 2 (1) and (3) commence on the day on which this Act receives the Royal Assent.

“(2) Subject to subsection (3):

(a) except for Part 6, subsections 85 (1) and (2) and section 86, this Act commences on 1 July 1989;

(b) Part 6, subsections 85 (1) and (2) and section 86 commence on a day to be fixed by Proclamation;

(c) Part 6, subsections 85 (1) and (2) and section 86 are repealed on 30 June 1990 if their commencement has not been fixed by a Proclamation published in the *Gazette* before that day.

“(3) Except for section 1 and subsections 2 (1) and (3), no provision of this Act shall commence until after this Act has been approved by a majority of Australian wheat growers at plebiscite pursuant to the provisions of the *Wheat Marketing Act 1989 (Plebiscite of Australian Wheat Growers) Act 1989*, which shall be the subject of subsequent enactment by the Parliament.”.

Debate continued.

Amendment negatived.

Clause agreed to

Clause 3—

Mr P. S. Fisher moved the following amendment: Page 2, before the definition of “Board” insert the following definitions:

“‘authorised person’ means a person appointed under section 88A for the purposes of the provision in which the expression occurs;

'authorised receiver' means a body corporate authorised to receive wheat on behalf of the Board under section 56A or under a corresponding provision of a State Act;".

Debate continued.

Amendment negatived.

On the motion of Mr Lloyd (Deputy Leader of the National Party of Australia), the following amendment was made, after debate: Page 2, lines 34 and 35, omit "by notice published in the *Gazette*", substitute "by regulation".

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5—

Mr P. S. Fisher moved—That the clause be omitted, and the following clause be substituted:

Objects of the Board

"5. The Board shall perform its functions and exercise its powers:

- (a) with the principal object of maximising the net return to Australian wheat growers from the marketing of wheat by securing, developing and maintaining markets for wheat and wheat products and by minimising costs as far as is practicable; and
- (b) in so far as it can do so consistently with paragraph (a), with the same object as is specified in paragraph (a) in respect of grain other than wheat."

Debate continued.

Amendment negatived.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), by leave, the following amendments were made together, after debate:

Page 4, line 14, omit "wheat", substitute "grain".

Page 4, line 15, omit "wheat" (first occurring), substitute "grain".

Clause, as amended, agreed to.

Clause 6—

Mr Lloyd moved the following amendment: Page 4, lines 20-31, omit paragraphs

(1) (b) and (c), substitute the following paragraphs:

"(b) to trade in wheat in Australia;

(c) to make arrangements for the growing of wheat for the purposes of:

- (i) the export of wheat from Australia; or
- (ii) trade and commerce in Australia;"

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 54

Mr Adermann	Mr Cowan	Mr Katter	Mr Ruddock
Mr Anderson	Mr Dobie	Mr Lloyd	Mr Shack
Mr Andrew*	Mr Downer	Mr McArthur	Mr Sharp
Mr Blunt	Dr H. R. Edwards	Mr McGauran	Mr Sinclair
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Smith
Mr N. A. Brown	Mr T. A. Fischer	Mr Miles	Mrs Sullivan
Mr Burr	Mr P. S. Fisher	Mr Moore	Mr Taylor
Mr Cadman	Mr Hall	Mr Nehl	Mr Tuckey
Mr D. M. Cameron	Mr Halverson	Mr Porter	Mr Webster
Mr E. C. Cameron	Mr Hawker	Mr Pratt	Mr White
Mr I. M. D. Cameron	Dr Hewson	Mr Prosser	Mr Wilson
Mr Carlton	Mr Hicks*	Mr Reith	Dr Wooldridge
Mr Cobb	Mr Howard	Mr Robinson	
Mr Connolly	Mr Jull	Mr Rocher	

NOES, 75

Mr Baldwin	Mrs Darling	Mrs Jakobsen	Mr P. F. Morris
Mr Beazley	Mr Dawkins	Mr Jenkins	Mr Mountford
Mr Beddall	Mr Dubois	Mr Johns	Mr O'Keefe
Mr Bilney	Mr Duffy	Mr Jones	Mr O'Neil
Mr Blanchard	Mr Duncan	Mrs Kelly	Mr Price
Dr Blewett	Mr R. F. Edwards	Mr Kent	Mr Punch
Mr Bowen	Ms Fatin	Mr Kerin	Mr Saunderson
Mr J. J. Brown	Mr Fitzgibbon	Mr Kerr	Mr Scholes
Mr R. J. Erown	Mr Free	Dr Klugman	Mr Sciacca
Mr Brumby	Mr Gear	Mr Lamb*	Mr J. L. Scott
Mr Charles	Mr Grace	Mr Langmore	Mr L. J. Scott
Dr Charlesworth	Mr Griffiths	Mr Lavarch	Mr Simmons
Mr Chynoweth	Mr Hand	Mr Lee	Mr Snowdon
Mr Cleeland	Mrs Harvey	Mr Lindsay	Mr Staples
Mr Cohen	Mr Hawke	Ms McHugh	Mr Uren
Mr Courtice	Mr Holding	Mr Martin	Mr West
Ms Crawford	Mr Hollis	Mr Mildren	Mr Willis
Mr Cross	Mr Howe	Mr Milton	Mr Wright
Mr Cunningham*	Mr Humphreys	Mr A. A. Morris	

* Tellers

And so it was negatived.

Mr P. S. Fisher moved the following amendment: Page 4, lines 20-31, omit paragraphs (1) (b) and (c), substitute the following paragraphs:

"(b) to control the interstate marketing of wheat;

(c) to control the marketing of wheat in the Territories;"

Debate continued.

Amendment negatived.

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

Page 5, after paragraph (1) (h) insert the following paragraph:

"(ha) for the purpose of the performance of its functions under paragraph (h) but only so far as the Minister approves, to make arrangements for the growing of grain other than wheat;"

Page 5, lines 7 and 8, omit all words after "conferred by", substitute "paragraphs (c), (d), (e) and (g);"

Page 5, after paragraph (1) (j) insert the following paragraph:

"(ja) in respect of grain products, the same functions as the Board has in respect of grain other than wheat under paragraph (h); and"

Page 5, after subclause (1) insert the following subclause:

"(1A) A1 approval for the purpose of paragraph (1) (ha) may be of general application or relate to a particular case."

Mr Lloyd, by leave, moved the following amendments together:

Page 5, lines 10-14, omit subclause (2).

Page 5, line 15, omit "In spite of paragraph (2) (a), it", substitute "It".

Debate continued.

Amendments negatived.

Clause, as amended, agreed to.

Clause 7—

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

Page 5, line 39, omit "establish and operate", substitute "buy, establish, own and operate".

Mr Lloyd moved the following amendment: Page 6, line 12, after "if" insert "after consultation with the Grains Council and".

Debate continued.

Amendment negatived.

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

Page 6, line 26, omit "wheat" (twice occurring), substitute "grain".

Page 6, line 28, omit "or wheat".

Page 6, line 43, omit "(including wheat)".

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

Page 7, line 1, omit "A reference", substitute "Subject to subsection (7A), a reference".

Page 7, after subclause (7) insert the following subclause:

"(7A) The regulations shall not prescribe a State or Territory enactment except in relation to the storage, handling and transport of grain, or the marketing of wheat."

On the motion of Mr Kerin, the following amendment was made: Page 7, at the end of the clause add the following subclause:

"(11) In relation to the functions conferred on the Board by paragraph 6 (1) (ja):

- (a) the Board has the same powers as it has for the performance of its corresponding functions in relation to grain other than wheat; and
- (b) it may provide the same kinds of services as in the performance of those corresponding functions."

Clause, as amended, agreed to.

Clause 8—

Mr Lloyd moved the following amendment: Page 8, after subclause (3) add the following subclause:

"(4) Where the Board has incurred loss because of obeying directions given by the Minister in accordance with this section, and the Minister is satisfied that the Board has taken all reasonable steps to minimise or recover the loss, the Minister for Finance shall pay to the Board, out of money to be appropriated by the Parliament, the amount of the loss."

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 9 agreed to.

Clause 10—

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

Page 8, line 26, omit "wheat", substitute "grain".

Clause, as amended, agreed to.

Clauses 11 to 14, by leave, taken together, and agreed to.

Clause 15—

Mr Lloyd, by leave, moved the following amendments together:

Page 10, line 13, after "Chairperson" add "who shall be a wheat grower at the time of appointment".

Page 10, line 16, after "members" add "5 of whom shall be wheat growers".

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 54

Mr Adermann	Mr Cowan	Mr Katter	Mr Ruddock
Mr Anderson	Mr Dobie	Mr Lloyd	Mr Shack
Mr Andrew*	Mr Downer	Mr McArthur	Mr Sharp
Mr Blunt	Dr H. R. Edwards	Mr McGauran	Mr Sinclair
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Smith
Mr N. A. Brown	Mr T. A. Fischer	Mr Miles	Mrs Sullivan
Mr Burr	Mr P. S. Fisher	Mr Moore	Mr Taylor
Mr Cadman	Mr Hall	Mr Nehl	Mr Tuckey
Mr D. M. Cameron	Mr Halverson	Mr Porter	Mr Webster
Mr E. C. Cameron	Mr Hawker	Mr Pratt	Mr White
Mr I. M. D. Cameron	Dr Hewson	Mr Prosser	Mr Wilson
Mr Carlton	Mr Hicks*	Mr Reith	Dr Wooldridge
Mr Cobb	Mr Howard	Mr Robinson	
Mr Connolly	Mr Jull	Mr Rocher	

NOES, 76

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

* Tellers

And so it was negated.

Clause agreed to.

Clauses 16 to 38, by leave, taken together, and agreed to.

Clause 39—

On the motion of Mr Kerin, the following amendment was made: Page 20, line 8, omit "Chairperson", substitute "Presiding Member".

Clause, as amended, agreed to.

The committee continuing to sit until after 12 midnight—

FRIDAY, 5 MAY 1989

Clauses 40 to 43, by leave, taken together, and agreed to.

Clause 44—

Mr Lloyd, by leave, moved the following amendments together:

Page 21, line 27, omit "Subject to subsection (3), persons", substitute "Persons".

Page 21, omit subclause (3).

Debate continued.

Amendments negated.

Clause agreed to.

Clauses 45 to 47, by leave, taken together, and agreed to.

Clause 48—

Mr Lloyd moved the following amendment: Page 23, line 23, before "Act" insert "or any other".

Debate continued.

Amendment negated.

Clause agreed to.

Clauses 49 to 56, by leave, taken together, and agreed to.

Proposed new Division—

Mr P. S. Fisher, by leave, moved—That the following new Division (comprising clauses 56A to 56H) be inserted in Part 4 of the Bill:

"Division 1A—Delivery of, and dealings with, wheat

Authorised receivers

"56A. The following bodies corporate are authorised to receive wheat on behalf of the Board:

(a) any State corporation; and

(b) any body corporate with which the Board has entered into a contract with respect to the storage and handling of the Board's wheat.

Delivery of wheat in a Territory to Board

"56B. (1) Subject to this Act, a person who is in possession of wheat in a Territory may deliver that wheat to the Board.

- “(2) Subject to this section, the Board may:
- (a) by notice in writing served on a person; or
 - (b) by notice in writing published in the *Gazette* and addressed to persons generally or persons included in a class of persons,
- require the person, or each person, as the case may be, to whom the notice is addressed:
- (c) to deliver to the Board, in accordance with any directions in the notice, wheat (other than exempt wheat) that is in the possession of that person in a Territory; or
 - (d) to deliver to the Board, in accordance with any directions in the notice, wheat (other than exempt wheat) that, during such period as is specified in the notice, comes into the possession of that person in a Territory.

“(3) Upon the delivery of wheat to the Board in accordance with this section, the wheat becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

“(4) A person who:

- (a) without reasonable excuse, refuses or fails to deliver wheat to the Board as required by a notice under subsection (2); or
- (b) delivers to the Board wheat that has previously been sold by the Board, is guilty of an offence punishable, on conviction, by a fine not exceeding:
- (c) in the case of a person not being a body corporate—\$10,000; or
- (d) in the case of a body corporate—\$50,000.

“(5) In this section, ‘exempt wheat’ means:

- (a) wheat retained by the grower for use on the farm where it was grown;
- (b) wheat in respect of which a permit has been issued under section 56E or the corresponding provision of a State Act;
- (c) wheat purchased under a permit under section 56F or the corresponding provision of a State Act; or
- (d) wheat that has been sold by the Board.

Delivery to authorised receiver

“56C. (1) Delivery of wheat to the Board may be made by delivering the wheat to an authorised receiver and not otherwise, and the delivery is not effective unless the delivery is accepted by the authorised receiver.

“(2) A person who delivers wheat to an authorised receiver shall, at the time of the delivery of the wheat, furnish to the authorised receiver a declaration in writing signed by the person stating, in the opinion of the person, the variety of the wheat so delivered.

Penalty: \$1,000

“(3) A person who delivers wheat to an authorised receiver shall, not later than the time of the delivery of the wheat, furnish to the authorised receiver a statement in writing signed by the person of the names and addresses of all persons known by the person to have, or to claim, an interest in the wheat or the payment to be made for the wheat, and of all particulars known to the person of those interests.

Penalty: \$1,000

“(4) A statement may be furnished by a person under subsection (3) or (5) with respect to more than one delivery, or with respect to all deliveries, of wheat to be made by the person to an authorised receiver within such period as is specified in the statement.

“(5) A person who, after the end of a season, delivers to an authorised receiver wheat harvested in that season shall, at the time of the delivery of the wheat, give to the authorised receiver a declaration in writing signed by that person stating the season during which the wheat was harvested.

Penalty: \$1,000

“(6) Nothing in this Act shall be taken to affect the operation of a provision of a law of a State with respect to the acceptance, or refusal of acceptance, by an authorised receiver of the delivery of wheat.

Act not to apply to certain wheat

“56D. (1) A person who has possession in a Territory of:

- (a) seed wheat; or
- (b) wheat that satisfies none of the standards determined by the Board for the classification of wheat delivered to it,

may, by notice served on the Board, notify the Board accordingly.

“(2) Where, on receipt by the Board of a notice by a person under subsection (1), an authorised person is satisfied:

- (a) in the case of wheat stated by the notice to be seed wheat—that the wheat will be used as seed wheat; or
- (b) in any other case—that the wheat is wheat to which paragraph (1) (b) applies,

the authorised person may, on behalf of the Board, issue to the first-mentioned person a declaration that this Act (other than subsection 57 (1)) does not apply to that wheat.

“(3) A declaration under subsection (2) shall be in writing and shall specify:

- (a) the name and address of the person to whom the declaration is issued;
- (b) whether the wheat to which the declaration applies is seed wheat or wheat to which paragraph (1) (b) applies;
- (c) the quantity of wheat;
- (d) the address of the place where the wheat is when the declaration is issued;
- (e) the date of the issue of the declaration; and
- (f) such other particulars (if any) as the Board specifies from time to time.

Permits for movement of wheat

“56E. (1) A person who has possession of wheat in a Territory on a farm may, by notice served on the Board, notify the Board that the person wishes to deliver the wheat to a miller for gristing with the object of having the produce of the gristing return to the farm for use on the farm.

“(2) On receipt by the Board of a notice by a person under subsection (1), an authorised person may, on behalf of the Board, issue to the person a permit for the movement of the wheat from the farm to the mill and the movement of the produce of the gristing from the mill to the farm.

“(3) A person who has possession of wheat in a Territory on the farm on which the wheat was grown may, by notice service on the Board, notify the Board that the person wishes:

- (a) to move the wheat from that farm to an associated farm; or
- (b) where the owner of that farm owns stock that are being agisted on another farm—to move the wheat from that farm to the other farm for the purpose of feeding those stock.

“(4) On receipt by the Board of a notice by a person under subsection (3) in relation to the movement of wheat between 2 farms, an authorised person may, on behalf of the Board, if the authorised person is satisfied that:

- (a) the proposed movement of the wheat would not detrimentally affect the orderly marketing of wheat by the Board; and
- (b) the proposed movement of the wheat is of a kind described in paragraph (3) (a) or (b),

issue to the first-mentioned person a permit for the movement of the wheat between those farms.

“(5) A permit under this section shall be in writing and shall specify:

- (a) the name and address of the person to whom the permit is issued;
- (b) the quantity of the wheat to which the permit applies;
- (c) the date of the issue of the permit;

- (d) in the case of a permit issued under subsection (2):
 - (i) the address of the farm where the wheat is at the time of the issue of the permit; and
 - (ii) the address of the miller who is to grist the wheat;
 - (e) in the case of a permit issued under subsection (4):
 - (i) the address of the farm where the wheat is at the time of the issue of the permit; and
 - (ii) the address of the farm to which the wheat is to be moved; and
 - (f) such other particulars (if any) as the Board specifies from time to time.
- “(6) For the purposes of this section, 2 farms shall be deemed to be associated farms if:
- (a) they are owned, operated or controlled by the same person or the same partnership;
 - (b) each of them is owned, operated or controlled by a partnership and the 2 partnerships have at least one common partner;
 - (c) one of them is owned, operated or controlled by a person and the other is owned, operated or controlled by a partnership of which that person is a member; or
 - (d) they are, in some other manner, so associated with the same person that the Board is of the opinion that they should be treated as associated farms for the purposes of this section.

Permits for purchase of wheat for stockfeed use

“56F. (1) The Board may, on application made to it by a person and on payment of the prescribed fee, issue to the person a permit authorising the person to make, during a season, purchases of wheat from growers for a stockfeed use.

“(2) An application under subsection (1) shall be in accordance with a form approved by the Board.

“(3) A person to whom a permit has been issued under this section shall, not later than the expiration of the month immediately succeeding a month in which wheat was purchased under the permit, by notice in accordance with a form approved by the Board served on the Board, notify the Board, with respect to each such purchase during the last-mentioned month, of:

- (a) the name and address of the person from whom the wheat was purchased;
- (b) the date of the purchase;
- (c) the quantity of wheat so purchased; and
- (d) any other matter required to be specified by the notice.

“(4) A permit under this section shall be in writing and shall specify:

- (a) the name and address of the person from whom the permit is issued;
- (b) the date of the issue of the permit;
- (c) the season during which purchases authorised by the permit may be made;
- (d) the total quantity of wheat authorised by the permit to be purchased; and
- (e) such other particulars (if any) as the Board specifies from time to time.

“(5) The Minister may, by determination in writing:

- (a) set guidelines for the purpose of the exercise by the Board of its power to issue permits under this section; and
- (b) revoke or vary guidelines set for that purpose or set new guidelines for that purpose,

and shall give to the Board a copy of each determination made under this subsection.

“(6) The Board shall not issue a permit under this section otherwise than in accordance with the guidelines having effect from time to time under subsection (5).

“(7) This section has effect subject to a *Wheat Tax (Permit) Act 1989* and a *Wheat Tax (Permit) Collection Act 1989*, to be the subject of separate enactment by the Parliament.

Contracts for sale of wheat entered into on behalf of Board

“56G. (1) Where a person (in this section referred to as the ‘offeror’) offers to purchase for use in Australia wheat that is in the possession of another person (in this section referred to as the ‘grower’) in a Territory, the grower may, by notice served on the Board, notify the Board accordingly.

“(2) Subsection (1) does not apply in relation to the proposed purchase of wheat for a stockfeed use that is authorised by a permit in force under section 56F.

“(3) A notice under subsection (1) shall be in accordance with a form approved by the Board and shall specify:

- (a) the name and address of the grower;
- (b) the name and address of the offeror;
- (c) the quantity of wheat to which the offer made by the offeror relates;
- (d) that the wheat is proposed to be purchased for human consumption, for a stockfeed use or for an industrial use, whichever is applicable;
- (e) the terms and conditions of the offer made by the offeror; and
- (f) such other information as is required to be specified by the notice.

“(4) Where, on the receipt by the Board of a notice under subsection (1), an authorised person is satisfied that acceptance of the proposed offer would not detrimentally affect the orderly marketing of wheat by the Board, the authorised person may authorise the grower, in writing, to accept the offer on behalf of the Board.

“(5) On the receipt by the grower of an authorisation under subsection (4), the grower shall set aside wheat for sale in accordance with that authorisation and, thereupon, the wheat so set aside becomes the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts.

“(6) A contract for the sale of wheat entered into by the grower, on behalf of the Board, under an authorisation given under subsection (4) shall provide that the price for the wheat shall be paid directly to the Board.

“(7) A person who, after the end of a season, serves a notice on the Board under subsection (1) with respect to wheat harvested in that season shall, at the time of service of the notice, serve on the Board a declaration in writing signed by the person stating the season during which the wheat was harvested.

“(8) A person who contravenes subsection (7) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

Unauthorised dealings with wheat

“56H. (1) Except for the purpose of compliance with section 56B or in accordance with a permit under section 56E or 56F or an authority under section 56G or with the consent in writing of the Board:

- (a) a person shall not sell or deliver to a person or transfer to a person the possession of, or take possession of, or grist or otherwise process, or mix with any other grain or substance, wheat in a Territory, other than wheat that has been sold by the Board;
- (b) a person shall not move wheat in a Territory, or cause or permit wheat in a Territory to be moved, from the farm where the wheat was grown or from the farm or other place to which the wheat has been moved in accordance with a permit under section 56F;
- (c) where a person has purchased wheat under a permit under section 56F the person shall not use the wheat for a use other than a stock feed use; and
- (d) where wheat has been sold by the Board under a contract of sale entered into in a Territory, being a contract that specifies a purpose

for which the wheat is to be used—the purchaser under the contract shall not use the wheat for any other purpose.

“(2) A person who contravenes subsection (1) is guilty of an offence punishable, on conviction, by a fine not exceeding:

(a) in the case of a person not being a body corporate—\$10,000; or

(b) in the case of a body corporate—\$50,000.

“(3) Paragraph (1) (a) does not prohibit the use of wheat on the farm on which the wheat was grown.”.

Debate continued.

Question—That the proposed new Division be inserted in the Bill—put.

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

AYES, 4

Mr Adermann Mr I. M. D. Cameron* Mr P. S. Fisher* Mr Hall

NOES, 124

Mr Anderson	Mrs Darling	Mr Jones	Mr Price
Mr Andrew	Mr Dawkins	Mr Jull	Mr Prosser
Mr Baldwin	Mr Dobie	Mr Katter	Mr Punch
Mr Beazley	Mr Downer	Mrs Kelly	Mr Reith
Mr Beddall	Mr Dubois	Mr Kent	Mr Robinson
Mr Bilney	Mr Duffy	Mr Kerin	Mr Rocher
Mr Blanchard	Mr Duncan	Mr Kerr	Mr Ruddock
Dr Blewett	Dr H. R. Edwards	Dr Klugman	Mr Saunderson
Mr Blunt	Mr R. F. Edwards	Mr Lamb*	Mr Scholes
Mr Bowen	Ms Fatin	Mr Langmore	Mr Sciacca
Mr Braithwaite	Mr Fife	Mr Lavarch	Mr J. L. Scott
Mr J. J. Brown	Mr T. A. Fischer	Mr Lee	Mr L. J. Scott
Mr N. A. Brown	Mr Fitzgibbon	Mr Lindsay	Mr Shack
Mr R. J. Brown	Mr Free	Mr Lloyd	Mr Sharp
Mr Brumby	Mr Gear	Mr McArthur	Mr Simmons
Mr Burr	Mr Grace	Mr McGauran	Mr Sinclair
Mr Cadman	Mr Griffiths	Ms McHugh	Mr Smith
Mr D. M. Cameron	Mr Hand	Mr MacKellar	Mr Snow
Mr E. C. Cameron	Mrs Harvey	Mr Martin	Mr Snowdon
Mr Carlton	Mr Hawke	Mr Mildren	Mr Staples
Mr Charles	Mr Hawker	Mr Miles	Mrs Sullivan
Dr Charlesworth	Dr Hewson	Mr Milton	Mr Taylor
Mr Chynoweth	Mr Hicks	Mr Moore	Mr Tuckey
Mr Cleeland	Mr Holding	Mr A. A. Morris	Mr Uren
Mr Cobb	Mr Hollis	Mr P. F. Morris	Mr Webster
Mr Connolly	Mr Howard	Mr Mountford	Mr West
Mr Courtice	Mr Howe	Mr Nehl	Mr White
Mr Cowan	Mr Humphreys	Mr O'Keefe	Mr Willis
Ms Crawford	Mrs Jakobsen	Mr O'Neil	Mr Wilson
Mr Cross	Mr Jenkins	Mr Porter	Dr Wooldridge
Mr Cunningham*	Mr Johns	Mr Pratt	Mr Wright

* Tellers

And so it was negatived.

Clause 57—

Mr Lloyd moved the following amendment: Page 26, line 15, omit “Penalty: \$100,000”, substitute:

“Penalty: \$100,000, or an amount equal to the percentage of the market value of the quantity of wheat as is prescribed by regulation, whichever is the greater.”.

Debate continued.

Amendment negatived.

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

Page 26, omit subclause (1), substitute the following subclauses:

“(1) A person, other than the Board, shall not export wheat unless:

(a) the Board has given its written consent to the export of the wheat; and

(b) the export of the wheat is in accordance with the terms of that consent.

Penalty:

(a) in the case of a natural person—\$60,000; or

(b) in the case of body corporate—\$300,000.

“(1A) An offence against subsection (1) is an indictable offence.

“(1B) The Board’s consent to the export of wheat may be limited to the export of the wheat in specified circumstances, in accordance with specified requirements or by a specified person.

“(1C) In proceedings for an offence against subsection (1), a certificate signed by the Chairperson and:

(a) stating that the Board did not consent to the export of particular wheat; or

(b) setting out the terms of a consent given by the Board;

is *prima facie* evidence of the matters set out in the certificate.”.

Clause, as amended, agreed to.

Clause 58 agreed to.

Clause 59—

On the motion of Mr Lloyd, the following amendment was made: Page 27, line 3, omit “delivered to the Board”, substitute “offered or to be offered”.

Clause, as amended, agreed to.

Clauses 60 and 61, by leave, taken together, and agreed to.

Proposed new clause—

Mr Lloyd moved—That the following new clause be inserted in Division 2 of the Bill:

Non-application of *Trade Practices Act 1974* to pools

“61A. The provisions of the *Trade Practices Act 1974* do not apply to purchases of wheat by the Board under section 60 or to pools for the marketing of wheat established by the Board under section 61.”.

Debate continued.

Proposed new clause negatived.

Clauses 62 and 63, by leave, taken together, and agreed to.

Clause 64—

Mr Lloyd, by leave, moved the following amendments together:

Page 29, omit subclause (4).

Page 29, line 16, omit “The payment”, substitute “If the Board grants an application made under subsection (1), the payment”.

Page 29, omit subclauses (6) to (8).

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 65—

On the motion of Mr Kerin, the following amendment was made: Page 30, line 6, after “pool” insert “or to grain other than wheat sold or disposed of in association with wheat in the pool”.

Mr Lloyd moved the following amendment: Page 30, line 7, after “costs” insert “(including funds transferred to a reserve under section 69A)”.

Debate continued.

Amendment negatived.

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

Page 30, line 8, omit “sale or disposal of the wheat”, substitute “purchase, sale or disposal of the wheat or other grain”.

Page 30, after paragraph (6) (a) insert the following paragraph:

“(aa) the cost of buying grain other than wheat for sale in association with wheat in the pool;”.

Page 30, omit subclause (7), substitute the following subclauses:

“(7) In making a determination under subsection (2):

(a) the Board is entitled to make a deduction from revenue for money paid into a reserve account under subsection 73 (2); and

(b) the Board shall not take into account any cost incurred by the Board in the provision of a service for which the Board has made a charge.

“(8) Where the Board, in making a determination under subsection (2), has taken into account a cost incurred in the provision of a service, the Board is not entitled to make a charge for the service.”.

Clause, as amended, agreed to.

Clause 66 agreed to.

Proposed new clause—

Mr P. S. Fisher moved—That the following new Division (comprising clause 66A) be inserted in Part 4 of the Bill:

“Division 4—Home consumption price of wheat

Home consumption price of wheat

“66A. The price at which, during a season, the Board shall, by a contract made in a Territory (other than a contract entered into under section 56G), sell wheat for use in Australia is the appropriate price determined in accordance with the method applicable under section 32 of the 1984 Act immediately before the commencement of this section.”.

Proposed new clause negated.

Clauses 67 and 68, by leave, taken together, and agreed to.

Clause 69—

Mr Lloyd moved the following amendment: Page 32, after paragraph (b) insert the following paragraph:

“(ba) in making payments of an amount or amounts, not payable in pursuance of a law or under a legal liability, as an act of grace payment or as act of grace payments;”.

Debate continued.

Amendment negated.

Clause agreed to.

Clause 70 agreed to.

Clause 71—

Mr Lloyd moved the following amendment: Page 33, omit subclauses (2) to (5).

Debate continued.

Amendment negated.

Clause agreed to.

Clause 72 agreed to.

Clause 73 debated and agreed to.

Clause 74—

Mr Lloyd moved the following amendment: Page 35, line 30, omit “wheat” (twice occurring), substitute “grain”.

Amendment negated.

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

Page 35, line 30, omit “, including overseas wheat”, substitute “(including overseas wheat) or other grain”.

Page 35, line 33, after “overseas)” insert “or other grain”.

Clause, as amended, agreed to.

Clauses 75 and 76, by leave, taken together, and agreed to.

Clause 77—

On the motion of Mr Kerin, the clause was omitted, and the following clause substituted:

Borrowings to fund advance payments etc.

"77. (1) If the Minister approves, the Board may borrow money for any of the following purposes:

- (a) the making of advance payments for pool return wheat;
- (b) the making of payments in lieu of final payments for such wheat;
- (c) the meeting of operational expenses incurred by the Board in connection with the sale or disposal of such wheat.

"(2) The Board shall not use money borrowed under subsection (1) otherwise than for a purpose mentioned in that subsection.

"(3) Nothing in this section shall be read as limiting the power to borrow conferred on the Board by section 71."

Clause 78—

Mr Lloyd moved the following amendment: Page 38, line 3, before "wheat" insert "pool return".

Amendment negatived.

On the motion of Mr Kerin, the following amendment was made: Page 38, line 6, after "to the" insert "purchase,".

Mr Lloyd, by leave, moved the following amendments together:

Page 38, line 6, before "wheat" insert "pool return".

Page 38, line 20, after "disposal" insert "from the pool".

Debate continued.

Amendments negatived.

Mr Lloyd moved the following amendment: Page 38, omit subclause (14), substitute the following subclause:

"(14) The appropriate percentage, for all seasons commencing on or after 1 July 1989, is 95%."

Debate continued.

Question—put.

The committee divided (the Deputy Chairman, Mr R. F. Edwards, in the Chair)—

AYES, 55

Mr Adermann	Mr Cowan	Mr Katter	Mr Rocher
Mr Anderson	Mr Dobie	Mr Lloyd	Mr Ruddock
Mr Andrew*	Mr Downer	Mr McArthur	Mr Shack
Mr Blunt	Dr H. R. Edwards	Mr McGauran	Mr Sharp
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Sinclair
Mr N. A. Brown	Mr T. A. Fischer	Mr Miles	Mr Smith
Mr Burr	Mr P. S. Fisher	Mr Millar	Mrs Sullivan
Mr Cadman	Mr Hall	Mr Moore	Mr Taylor
Mr D. M. Cameron	Mr Halverson	Mr Nehl	Mr Tuckey
Mr E. C. Cameron	Mr Hawker	Mr Porter	Mr Webster
Mr I. M. D. Cameron	Dr Hewson	Mr Pratt	Mr White
Mr Carlton	Mr Hicks*	Mr Prosser	Mr Wilson
Mr Cobb	Mr Howard	Mr Reith	Dr Wooldridge
Mr Connolly	Mr Jull	Mr Robinson	

NOES, 71

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

* Tellers

And so it was negatived.

Mr Lloyd moved the following amendment: Page 39, omit subclauses (18) and (19).

Debate continued.

Amendment negatived.

Clause, as amended, agreed to.

Clause 79 agreed to.

Proposed new clause—

Mr P. S. Fisher moved—That the following new clause be inserted in the Bill:

Remuneration of authorised receivers

“79A. (1) The Board and each authorised receiver shall enter into an agreement with respect to the remuneration of the receiver by the Board for services provided by the receiver, for any facilities made available by the receiver for the storage, protection, treatment, handling or transfer of wheat and for any expenses properly incurred by the receiver.

“(2) The terms of, and the conditions for, the remuneration payable under subsection (1) shall be the subject of subsequent enactment by the Parliament.”.

Proposed new clause negatived.

Clauses 80 and 81, by leave, taken together, and agreed to.

Clauses 82 and 83, by leave, taken together—

Mr Lloyd, by leave, moved the following amendments together:

Clause 82, page 40, after subclause (2) add the following subclause:

“(3) Regulations for the purpose of subsection (1) shall not be made without agreement by the Grains Council, after consultation with the Board.”.

Clause 83, page 40, omit subclause (3), substitute the following subclause:

“(3) Regulations for the purpose of subsection (1) shall not be made without agreement by the Grains Council, after consultation with the Board.”.

Debate continued.

Amendments negatived.

Clauses agreed to.

Clause 84 agreed to.

Clause 85—

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

Page 41, lines 16 and 17, omit “that is to be paid during that season”, substitute “on which levy is imposed during that season that is to be paid”.

Page 41, lines 21 and 22, omit “that is to be paid during that season”, substitute “on which levy is imposed during that season that is to be paid”.

Page 41, lines 25 and 26, omit “is payable on wheat of”, substitute “is imposed during”.

Page 41, line 32, omit “payable on wheat of”, substitute “imposed during”.

Clause, as amended, agreed to.

Clause 86—

On the motion of Mr Kerin, the following amendment was made: Page 42, omit subclause (1), substitute the following subclause:

“(1) Where an amount in respect of levy payable on particular wheat has been received by the Commonwealth, there is payable to the Board an amount calculated according to the formula:

$$LR \times \frac{PV}{TP}$$

where:

LR is the amount received;

PV is the percentage determined under subsection 85 (1) in respect of the season in which levy was imposed on the wheat;

TP is the sum of the percentages determined under subsections 85 (1) and (3) in respect of that season.”.

Clause, as amended, agreed to.

Clause 87 agreed to.

Clause 88—

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

Page 44, line 5, omit "A reference", substitute "Subject to subsection (12A), a reference".

Page 44, after subclause (12) insert the following subclause:

"(12A) The regulations shall not prescribe a State or Territory enactment except in relation to the storage, handling and transport of grain or the marketing of wheat."

Clause, as amended, agreed to.

Proposed new clause—

Mr Lloyd moved—That the following new clause be inserted in the Bill:

Deregulation of labour practices

"88A. (1) It is the intention of the Parliament that the Board and any corporation engaged in the storage, handling, transport or sale of grain for export shall, in regard to any matter connected with the storage, handling, transport or shipment of that grain:

- (a) be entitled to take no cognisance of any agreement, undertaking or other arrangement which requires the employment of any specified number of persons who are members of a trade union or similar society or association of persons, and any such agreement and undertaking or other arrangement shall be void;
- (b) be exempt from the operation of any enactment of the Commonwealth or of any State or Territory which would otherwise require the employment, or the giving of preference in employment, to persons who are members of a trade union or of a similar society or association of persons;
- (c) be entitled to enter into voluntary employment agreements or undertakings with any employee or groups of employees, and such agreements or undertakings will override any awards of the Industrial Relations Commission;
- (d) be entitled to enter into any agreement, undertaking or arrangement with any person or body in regard to the loading of any vessel and the manning of any loading apparatus; and
- (e) be entitled to claim damages in the Federal Court of Australia or the High Court of Australia against any person, trade union or similar society of association or associations or persons for an amount equal to the amount of any loss of a financial or contractual nature caused by any action of that person, trade union, society or association of persons which disrupts the activities of the Board or corporation, as the case may be.

"(2) A natural person, trade union or similar society or association of persons contravening subsection (1) is guilty of an offence punishable upon conviction:

- (a) in the case of a natural person—\$10,000, and \$1,000 for every day that the offence continues; or
- (b) in the case of a trade union or similar society or association of persons—\$100,000, and \$10,000 for every day that the offence continues."

Debate continued.

Question—That the proposed new clause be inserted in the Bill—put.

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

AYES, 53

Mr Adermann	Mr Cowan	Mr Lloyd	Mr Shack
Mr Anderson	Mr Dobie	Mr McArthur	Mr Sharp
Mr Andrew*	Mr Downer	Mr McGauran	Mr Sinclair
Mr Blunt	Dr H. R. Edwards	Mr MacKellar	Mr Smith
Mr Braithwaite	Mr Fife	Mr Miles	Mrs Sullivan
Mr N. A. Brown	Mr T. A. Fischer	Mr Moore	Mr Taylor
Mr Burr	Mr P. S. Fisher	Mr Nehl	Mr Tuckey
Mr Cadman	Mr Hall	Mr Porter	Mr Webster
Mr D. M. Cameron	Mr Halverson	Mr Pratt	Mr White
Mr E. C. Cameron	Mr Hawker	Mr Prosser	Mr Wilson
Mr I. M. D. Cameron	Dr Hewson	Mr Reith	Dr Wooldridge
Mr Carlton	Mr Hicks*	Mr Robinson	
Mr Cobb	Mr Howard	Mr Rocher	
Mr Connolly	Mr Jull	Mr Ruddock	

NOES, 69

Mr Baldwin	Mrs Darling	Mr Johns	Mr O'Keefe
Mr Beazley	Mr Dawkins	Mr Jones	Mr O'Neil
Mr Beddall	Mr Dubois	Mrs Kelly	Mr Price
Mr Bilney	Mr Duffy	Mr Kent	Mr Punch
Mr Blanchard	Mr R. F. Edwards	Mr Kerin	Mr Sanderson
Dr Blewett	Ms Fatin	Mr Kerr	Mr Scholes
Mr Bowen	Mr Fitzgibbon	Mr Lamb*	Mr Sciacca
Mr J. J. Brown	Mr Gear	Mr Langmore	Mr J. L. Scott
Mr R. J. Brown	Mr Grace	Mr Lavarch	Mr L. J. Scott
Mr Brumby	Mr Griffiths	Mr Lee	Mr Simmons
Mr Charles	Mr Hand	Mr Lindsay	Mr Snow
Dr Charlesworth	Mrs Harvey	Ms McHugh	Mr Snowdon
Mr Chynoweth	Mr Holding	Mr Martin	Mr Staples
Mr Cleeland	Mr Hollis	Mr Mildren	Mr Willis
Mr Courtice	Mr Howe	Mr Milton	Mr Wright
Ms Crawford	Mr Humphreys	Mr A. A. Morris	
Mr Cross	Mrs Jakobsen	Mr P. F. Morris	
Mr Cunningham*	Mr Jenkins	Mr Mountford	

* Tellers

And so it was negatived.

Clauses 89 to 92, by leave, taken together, and agreed to.

Clause 93—

On the motion of Mr Kerin, the following amendment was made: Page 47, lines 11 and 12, omit "of a season that ended not later than 30 June 1989", substitute "delivered to the Board before 1 July 1989 or in respect of which a permit was issued under the 1984 Act or under a corresponding provision of a State Act."

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

The House resumed; Mr Millar reported accordingly.

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

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

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr R. F. Edwards, in the Chair)—

AYES, 116

Mr Anderson	Mrs Darling	Mr Johns	Mr Price
Mr Andrew	Mr Dawkins	Mr Jones	Mr Prosser
Mr Baldwin	Mr Dobie	Mr Jull	Mr Punch
Mr Beazley	Mr Downer	Mrs Kelly	Mr Reith
Mr Beddall	Mr Dubois	Mr Kent	Mr Robinson
Mr Bilney	Mr Duffy	Mr Kerin	Mr Rocher
Mr Blanchard	Dr H. R. Edwards	Mr Kerr	Mr Ruddock
Dr Blewett	Ms Fatin	Mr Lamb*	Mr Saunderson
Mr Blunt	Mr Fife	Mr Langmore	Mr Scholes
Mr Bowen	Mr T. A. Fischer	Mr Lavarch	Mr Sciacca
Mr Braithwaite	Mr Fitzgibbon	Mr Lee	Mr J. L. Scott
Mr J. J. Brown	Mr Free	Mr Lindsay	Mr L. J. Scott
Mr N. A. Brown	Mr Gear	Mr Lloyd	Mr Shack
Mr R. J. Brown	Mr Grace	Mr McArthur	Mr Sharp
Mr Brumby	Mr Griffiths	Mr McGauran	Mr Simmons
Mr Cadman	Mr Hall	Ms McHugh	Mr Sinclair
Mr D. M. Cameron	Mr Halverson	Mr MacKellar	Mr Smith
Mr E. C. Cameron	Mr Hand	Mr Martin	Mr Snow
Mr Carlton	Mrs Harvey	Mr Mildren	Mr Snowdon
Mr Charles	Mr Hawker	Mr Miles	Mr Staples
Dr Charlesworth	Dr Hewson	Mr Milton	Mrs Sullivan
Mr Chynoweth	Mr Hicks	Mr A. A. Morris	Mr Taylor
Mr Cleeland	Mr Holding	Mr P. F. Morris	Mr Tuckey
Mr Cobb	Mr Hollis	Mr Mountford	Mr Webster
Mr Connolly	Mr Howard	Mr Nehl	Mr White
Mr Courtice	Mr Howe	Mr O'Keefe	Mr Willis
Mr Cowan	Mr Humphreys	Mr O'Neil	Mr Wilson
Ms Crawford	Mrs Jakobsen	Mr Porter	Dr Wooldridge
Mr Cunningham*	Mr Jenkins	Mr Pratt	Mr Wright

NOES, 4

Mr Adermann Mr I. M. D. Cameron* Mr P. S. Fisher* Mr Millar

* Tellers

And so it was resolved in the affirmative—Bill read a third time.

30 **WHEAT INDUSTRY FUND LEVY BILL 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), the Bill was read a third time.

31 **WHEAT INDUSTRY FUND LEVY COLLECTION BILL 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), by leave, the following amendments were made together:

Clause 11, page 5, omit the clause, substitute the following clause:

Power to call for information

“11. An authorised person may, by written notice given or sent by post to a person, require the person to give to the authorised person, within a reasonable time specified in the notice, any return or information in relation to matters relevant to the operation of this Act specified in the notice.”

Clause 12—

Page 5, line 16, after “Act” insert “or the regulations”.

Page 5, at the end of the clause add the following subclause:

“(4) In this section:

‘premises’ includes:

- (a) a structure, building, aircraft, vehicle or vessel;
- (b) a place (whether enclosed or built upon or not); and
- (c) a part of premises (including premises of a kind referred to in paragraph (a) or (b)).”

Clause 13, page 5, line 30, after “Act” insert “or the regulations”.

Clause 14, page 6, omit paragraph (1)(b), substitute the following paragraph:

“(b) that the issue of a warrant is reasonably required by the applicant for the purpose of ascertaining whether a person has contravened or is contravening a provision of this Act or the regulations;”.

Clause 15—

Page 6, line 31, after “knowingly” insert “or recklessly”.

Page 6, line 35, omit “\$1,000”, substitute “\$3,000”.

Page 6, line 37, omit “\$5,000”, substitute “\$15,000”.

Clause 16—

Page 7, omit subclause (2), substitute the following subclause:

“(2) Any conduct engaged in on behalf of a body corporate by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority shall be taken, for the purposes of this Act, to have been engaged in also by the body corporate.”.

Page 7, omit subclause (4), substitute the following subclause:

“(4) Any conduct engaged in on behalf of a person other than a body corporate by a servant or agent of the person within the scope of his or her actual or apparent authority shall be taken, for the purposes of this Act, to have been engaged in also by the first-mentioned person unless the first-mentioned person establishes that he or she took reasonable precautions and exercised due diligence to avoid the conduct.”.

Page 7, at the end of the clause add the following subclauses:

“(6) Where:

(a) a person other than a body corporate is convicted of an offence; and

(b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted;

the person is not liable to be punished by imprisonment for the offence.

“(7) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory.

“(8) A reference in this section to engaging in conduct includes a reference to failing or refusing to engage in conduct.”.

Clause 17—

Page 7, line 39, omit “person” (first occurring), substitute “member of the Australian Public Service”.

Page 7, line 40, omit “persons included in a class of persons”, substitute “a class of members of the Australian Public Service”.

Clause 18—

Page 8, line 5, after “contain a” insert “recent”.

Page 8, line 10, omit “occupier”, substitute “person in charge”.

Page 8, line 11, omit “occupier’s”, substitute “person’s”.

Clause 21—

Page 9, line 17, omit “\$500”, substitute “\$1,000”.

Page 9, line 17, omit “\$2,500”, substitute “\$5,000”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Mountford reported accordingly.

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

- 32 **WHEAT (TERMINATION OF TAX) BILL (NO. 1) 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), the Bill was read a third time.

- 33 **WHEAT (TERMINATION OF TAX) BILL (NO. 2) 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), the Bill was read a third time.

- 34 **WHEAT (TERMINATION OF PERMIT TAX) BILL 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), the Bill was read a third time.

- 35 **WHEAT TAX (PERMIT) COLLECTION AMENDMENT BILL 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Kerin (Minister for Primary Industries and Energy), the Bill was read a third time.

- 36 **ADJOURNMENT:** Mr Beazley (Leader of the House) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 2.30 a.m., adjourned until Monday next at 2 p.m.

PAPERS: The following papers were deemed to have been presented on 4 May 1989:

Customs Act—Regulations—Statutory Rules 1989, Nos. 59, 60.

Defence Act—Determination under section 58B—1989—No. 38—Recreation Leave and other allowances.

Family Law Act—Rules of Court—Statutory Rules 1989, No. 65.

Ozone Protection Act—Regulations—Statutory Rules 1989, No. 70.

World Heritage Properties Conservation Act—Notice of consent pursuant to subsection 9 (1), dated 10 April 1989.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Aldred, Mr Campbell, Mrs Child, Mr Gayler, Mr Gorman, Mr Keating, Mr Macphée, Mr Sawford, Mr Shipton, Mr Spender and Dr Theophanous.

A. R. BROWNING
Clerk of the House of Representatives