

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 121

TUESDAY, 23 MAY 1989

1 The House met, at 2 p.m., pursuant to adjournment.

2 **ABSENCE OF MADAM SPEAKER:** The Clerk having informed the House that Madam Speaker (the Honourable Joan Child) was unavoidably absent, the Chairman of Committees (Mr McLeay) took the Chair as Acting Speaker, and read Prayers.

3 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—MOTION OF CENSURE OF THE LEADER OF THE OPPOSITION:** Mr Beazley (Leader of the House) moved—That so much of the standing and sessional orders be suspended as would prevent the Prime Minister moving forthwith the following motion:

That this House censures the Leader of the Opposition for demeaning his Office and the Parliament in that he has:

- (1) failed to observe proper standards of integrity by misleading the Australian people about his knowledge of and involvement in events leading to his election as Leader of the Opposition; and
- (2) failed to establish and maintain appropriate standards of behaviour for his Shadow Cabinet, in particular his failure to act against the Members for Ryan and O'Connor for admitted acts of deception and dishonesty.

Closure: Mr Beazley moved—That the question be now put.

*Question—*That the question be now put—put and passed.

*And the question—*That the motion be agreed to—was put accordingly, and passed, with the concurrence of an absolute majority.

4 **LEADER OF THE OPPOSITION—RESOLUTION OF CENSURE:** Mr Hawke (Prime Minister) moved—That this House censures the Leader of the Opposition for demeaning his Office and the Parliament in that he has:

- (1) failed to observe proper standards of integrity by misleading the Australian people about his knowledge of and involvement in events leading to his election as Leader of the Opposition; and
- (2) failed to establish and maintain appropriate standards of behaviour for his Shadow Cabinet, in particular his failure to act against the Members for Ryan and O'Connor for admitted acts of deception and dishonesty.

Debate ensued.

Paper: Mr Blunt (Leader of the National Party of Australia), by leave, presented the following paper:

New South Wales ALP—Copy of a report by the Federal President of the Australian Labor Party, Mr T. Burns, into the administration of the New South Wales branch of the Australian Labor Party, 1970, dated 23 November 1970.

Debate continued.

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

*Question—*That the question be now put—put.

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

AYES, 80

Mr Baldwin	Mrs Darling	Mrs Jakobsen	Mr O'Keefe
Mr Beazley	Mr Dawkins	Mr Jenkins	Mr O'Neil
Mr Beddall	Mr Dubois	Mr Jones	Mr Price
Mr Bilney	Mr Duffy	Mr Keating	Mr Punch
Mr Blanchard	Mr Duncan	Mrs Kelly	Mr Saunderson
Dr Blewett	Mr R. F. Edwards	Mr Kent	Mr Sawford
Mr Bowen	Ms Fatin	Mr Kerin	Mr Scholes
Mr J. J. Brown	Mr Fitzgibbon	Mr Kerr	Mr Sciacca
Mr R. J. Brown	Mr Free	Dr Klugman	Mr J. L. Scott
Mr Brumby	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 Cohen	Mrs Harvey	Mr Martin	Mr Tickner
Mr Courtice	Mr Hawke	Mr Mildren	Mr Uren
Ms Crawford	Mr Holding	Mr Milton	Mr West
Mr Cross	Mr Hollis	Mr A. A. Morris	Mr Willis
Mr Cunningham*	Mr Humphreys	Mr P. F. Morris	Mr Wright

NOES, 58

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

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 80

Mr Baldwin	Mrs Darling	Mrs Jakobsen	Mr O'Keefe
Mr Beazley	Mr Dawkins	Mr Jenkins	Mr O'Neil
Mr Beddall	Mr Dubois	Mr Jones	Mr Price
Mr Bilney	Mr Duffy	Mr Keating	Mr Punch
Mr Blanchard	Mr Duncan	Mrs Kelly	Mr Saunderson
Dr Blewett	Mr R. F. Edwards	Mr Kent	Mr Sawford
Mr Bowen	Ms Fatin	Mr Kerin	Mr Scholes
Mr J. J. Brown	Mr Fitzgibbon	Mr Kerr	Mr Sciacca
Mr R. J. Brown	Mr Free	Dr Klugman	Mr J. L. Scott
Mr Brumby	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 Cohen	Mrs Harvey	Mr Martin	Mr Tickner
Mr Courtice	Mr Hawke	Mr Mildren	Mr Uren
Ms Crawford	Mr Holding	Mr Milton	Mr West
Mr Cross	Mr Hollis	Mr A. A. Morris	Mr Willis
Mr Cunningham*	Mr Humphreys	Mr P. F. Morris	Mr Wright

NOES, 58

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

* Tellers

And so it was resolved in the affirmative.

5 MINISTERIAL CHANGE: Mr Hawke (Prime Minister) informed the House that yesterday His Excellency the Governor-General had appointed Mr Holding as Minister for the Arts, Tourism and Territories.

6 QUESTIONS: Questions without notice were asked.

7 PAPERS: The following papers were presented:

Aboriginal and Torres Strait Islander Heritage Protection Act—Declaration pursuant to section 9 relating to significant Aboriginal area, Perth, WA.

Aboriginal deaths in custody—Royal Commission—Reports—Inquiry into the death of—

Paul Farmer.

Wayne John Dooler.

Advance to the Minister for Finance—
Statement for April 1989.

Supporting applications of issues from the Advance during April 1989.

Australia and the Pacific Economic Co-operation Conference—3rd Report by the National Pacific Co-operation Committee.

Bankruptcy Act—Report for 1987-88.

Compensation (Commonwealth Government Employees) Act—Commissioner for Employees' Compensation—Report, including freedom of information statement, for 1987-38.

Corporations Legislation—Joint Select Committee—Report, dated April 1989—Government response.

Employment, Education and Training Act—National Board of Employment, Education and Training—Reports by the—

Employment and Skills Formation Council, including the Board's comments:
Proposed Commonwealth Employment Service (CES) advisory arrangements.

Schools Council, including the Board's comments—

National goals for schooling: Report on consultations on Australian Education Council draft statement.

Response to Australian Education Council draft statement on national goals for schooling.

Strengthening the disadvantaged schools program: Advice on strategies for increasing school retention in disadvantaged communities.

Equal Employment Opportunity (Commonwealth Authorities) Act—Superannuation Fund Investment Trust (SFIT)—Equal Employment Opportunity Program—Report, dated January 1989.

Fisheries Act—Northern Territory Fisheries Joint Authority Report for period 14 April to 31 December 1988.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Our homeless children: Report of the National Inquiry into Homeless Children.

Primary Industries and Energy Legislation Amendment Act—Australian Canned Fruits Corporation—Report and financial statements, including the Auditor-General's Report, for 1988.

- 8 **HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION—REPORT ON HOMELESS CHILDREN—MOTION TO TAKE NOTE OF PAPER:** Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Human Rights and Equal Opportunity Act—Human Rights and Equal Opportunity Commission—Our homeless children: Report of the National Inquiry into Homeless Children.

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

- 9 **ABORIGINAL DEATHS IN CUSTODY—ROYAL COMMISSION—REPORTS—PUBLICATION OF PAPERS:** Mr Beazley (Leader of the House), by leave, moved—That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the reports of the Royal Commission into Aboriginal deaths in custody into the deaths of Wayne John Dooler and Paul Farmer.

Question—put and passed.

- 10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LIVING STANDARDS:** 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 adverse impact on living standards of high inflation and high interest rates under the Hawke Government".

The proposed discussion having received the necessary support—

Dr Hewson addressed the House.

Discussion ensued.

Discussion concluded.

- 11 **JOINT STANDING COMMITTEES—MEMBERSHIP:** The House was informed that the National Party Whip had nominated Mr Cobb to be a member of the Joint Standing Committee on Electoral Matters in place of Mr Blunt (Leader of the National Party of Australia), and Mr T. A. Fischer to be a member of the Joint Standing Committee on the New Parliament House.

- 12 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—HOURS OF SITTING AND QUESTION TIME ON 24 MAY 1989:** Mr Beazley (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would enable:

(1) the House, at its rising, to be adjourned until tomorrow at 9.15 a.m.;

(2) the business before the House tomorrow not to be interrupted at 12.45 p.m.; and

(3) questions without notice tomorrow to be called on at 2.30 p.m.

Debate ensued.

Question—put and passed.

- 13 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:

11 May 1989—Message—

No. 344—Trade Practices (International Liner Cargo Shipping) Amendment 1989.

No. 345—Export Inspection (Quantity Charge) Amendment 1989 (*without requests*).

- No. 346—Affirmative Action (Equal Employment Opportunity for Women) Amendment 1989.
- No. 349—Corporations (Fees) 1988.
- No. 350—Securities Exchanges (Application for Membership) Fidelity Funds Contribution 1988 (*without requests*).
- No. 351—Securities Exchanges (Membership) Fidelity Funds Contribution 1988 (*without requests*).
- No. 352—Securities Exchanges Fidelity Funds Levy 1988 (*without requests*).
- No. 353—National Guarantee Fund (Reportable Transactions) Levy 1988 (*without requests*).
- No. 354—National Guarantee Fund (Participating Exchanges) Levy 1988 (*without requests*).
- No. 355—National Guarantee Fund (Members of Participating Exchanges) Levy 1988 (*without requests*).
- No. 356—Futures Organisations (Application for Membership) Fidelity Funds Contribution 1988 (*without requests*).
- No. 357—Futures Organisations (Membership) Fidelity Funds Contribution 1988 (*without requests*).
- No. 358—Futures Organisations Fidelity Funds Levy 1988 (*without requests*).
- No. 359—Close Corporations 1988.
- No. 360—Close Corporations (Fees) 1988.
- No. 361—Close Corporations (Liquidators' Recovery Trust Fund Contribution) 1988 (*without requests*).
- No. 362—Close Corporations (Additional Liquidators' Recovery Trust Fund Contribution) 1988 (*without requests*).
- No. 364—Wheat Industry Fund Levy 1989 (*without requests*).
- No. 365—Wheat Industry Fund Levy Collection 1989.
- No. 366—Wheat (Termination of Tax) (No. 1) 1989.
- No. 367—Wheat (Termination of Tax) (No. 2) 1989.
- No. 368—Wheat (Termination of Permit Tax) 1989.
- No. 369—Wheat Tax (Permit) Collection Amendment 1989.

14 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

15 May 1989—Message—

No. 199—International Arbitration Amendment 1989.

No. 200—Crimes (Hostages) 1989.

17 May 1989—Message No. 201—Customs Tariff Amendment 1989.

22 May 1989—Message—No. 202—

Circuit Layouts 1989.

Transport and Communications Legislation Amendment 1989.

15 MESSAGE FROM THE SENATE—AUSTRALIAN CAPITAL TERRITORY—PROPOSED JOINT COMMITTEE: The following message from the Senate was reported:

Message No. 343

Mr Acting Speaker,

The Senate, having considered Message No. 429 of the House of Representatives, has agreed to the following resolution in connection therewith:

- (1) That the Senate concurs in the resolution transmitted to the Senate by Message No. 429 of the House of Representatives relating to the appointment of a Joint Committee on the Australian Capital Territory, subject to the following modifications:

- (a) paragraph (2), leave out the paragraph, insert the following paragraph:

“(2) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be

nominated by the Opposition Whip or Whips, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.”; and

- (b) paragraph (11), leave out “be rescinded”, insert “cease to have effect on the passage of this resolution”.
- (2) That the provisions of the resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

The Senate requests the concurrence of the House of Representatives in the Senate’s modifications of the resolution transmitted to the Senate by the House.

KERRY SIBRAA
President

The Senate,
Canberra, 11 May 1989

Ordered—That consideration of the message be made an order of the day for the next sitting.

16 MESSAGE FROM THE SENATE—AUSTRALIAN SECURITIES COMMISSION BILL 1988: The following message from the Senate was reported:

Message No. 347

Mr Acting Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to establish an Australian Securities Commission, a Companies and Securities Advisory Committee and certain other bodies, and for other purposes*”, and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 11 May 1989

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 2, paragraph 3 (1) (c), line 10, after “laws”, insert “, about corporations”.
- No. 2—Page 2, paragraph 3 (1) (d), lines 13 and 14, leave out “and an Accounting Standards Review Board”, insert “, an Accounting Standards Review Board and a Parliamentary Joint Committee on Corporations and Securities”.
- No. 3—Page 2, paragraph 3 (2) (a), lines 17 and 18, leave out “the securities markets and futures markets”, insert “companies, and of the securities markets and futures markets.”.
- No. 4—Page 5, subclause 5 (1), before the definition of “information”, insert the following new definition: “‘House’ means a House of the Parliament.”.
- No. 5—Page 5, subclause 5 (1), definition of “member”, paragraph (a), line 11, leave out “or 12.”, insert “, 12 or 12B.”.
- No. 6—Page 5, subclause 5 (1), definition of “member”, paragraph (a), line 13, leave out “or the Review Board”, insert “, the Review Board or the Parliamentary Committee”.

- No. 7—Page 5, subclause 5 (1), at end of definition of “member”, add the following new paragraph:
 “(f) in Part 12B or in relation to the Parliamentary Committee—a member of the Parliamentary Committee;”.
- No. 8—Page 5, subclause 5 (1), after definition of “Panel”, insert the following new definition:
 “‘Parliamentary Committee’ means the Parliamentary Joint Committee on Corporations and Securities;”.
- No. 9—Page 8, after subclause 11 (2), insert the following new subclause:
 “(2A) The Commission may, on its own initiative or when requested by the Minister, advise the Minister, and make to the Minister such recommendations as it thinks fit, about any matter of a kind referred to in section 148.”.
- No. 10—Page 9, subclause 11 (4), line 1, leave out “subsection (3),”, insert “subsection (2A) or (3),”.
- No. 11—Page 9, subclause 12 (5), lines 19 to 22, leave out the subclause, insert the following subclause:
 “(5) The Minister shall cause a copy of an instrument under subsection (1):
 (a) to be published in the *Gazette* within 21 days after the instrument is made; and
 (b) to be laid before each House of the Parliament within 15 sitting days of that House after the publication;
 but failure of the Minister to do so does not affect the instrument’s validity.”.
- No. 12—Page 10, paragraph 16 (1) (a), line 40, before “contravention”, insert “serious”.
- No. 13—Page 11, after subclause 18 (1), insert the following new subclause:
 “(2A) Where a report, or part of a report, under this Division relates to a serious contravention of a law of the Commonwealth or of a State or Territory, the Commission may give a copy of the whole or a part of the report to:
 (a) the Australian Federal Police;
 (b) the National Crime Authority;
 (c) the Director of Public Prosecutions; or
 (d) a prescribed agency.”.
- No. 14—Page 25, clause 50, lines 22 and 23 of the Bill and Amendment No. 6 on page 1 of the Schedule of the Amendments made by the House of Representatives, leave out all the words from and including “the Commission” to the end of the clause, insert the following:
 “the Commission:
 (c) if the person is a company—may cause; or
 (d) otherwise—may, with the person’s written consent, cause;
 such a proceeding to be begun and carried on in the person’s name.”.
- No. 15—Page 31, subclause 68 (2), lines 26 to 33, leave out the subclause, insert the following subclause:
 “(2) Subsection (3) applies where:
 (a) before:
 (i) making an oral statement giving information;
 (ii) signing a record; or
 (iii) producing a book;
 pursuant to a requirement made under this Part, Division 3 of Part 10, or Division 2 of Part 11, a person claims that the statement, signing the record, or production of the book, as the case may be, might tend to incriminate the person or make the person liable to a penalty; and
 (b) the statement, signing the record, or production of the book, as the case may be, might in fact tend to incriminate the person or make the person liable to a penalty.”.
- No. 16—Page 31, subclause 68 (3), line 35, after “nor”, insert “, in the case of the making of a statement or the signing of a record,”.

- No. 17—Page 31, subclause 68 (3), line 37, leave out “, signing the record or producing the book,”, insert “or signing the record.”.
- No. 18—Page 42, clause 94, line 16, leave out “Chairperson”, insert “Commission”.
- No. 19—Page 43, subclause 97 (1), line 6, leave out “Chairperson”, insert “Commission”.
- No. 20—Page 43, clause 99, line 25, leave out “Chairperson”, insert “Commission”.
- No. 21—Page 49, subclause 120 (2), line 5, leave out “Chairperson”, insert “Commission”.
- No. 22—Page 54, clause 138, at end of clause, add the following new subclause:
“(2) A report by the Commission, under section 63M of the *Audit Act 1901*, of its operations during a year ending on a particular 30 June shall:
(a) describe the specific goals the Commission has pursued, and the priorities it has followed, during that year, in performing its functions and pursuing the objectives referred to in subsection 3 (2);
(b) describe what progress the Commission has made during that year towards achieving those goals; and
(c) describe any matters that, during that year, have adversely affected the Commission’s effectiveness or have hindered the Commission in pursuing any of those goals and objectives.”.
- No. 23—Page 56, subclause 147 (1), line 15, leave out “such”, insert “the following members, namely, the Chairperson of the Commission and such other”.
- No. 24—Page 56, subclause 147 (2), line 17, after “members”, insert “(other than the Chairperson of the Commission)”.
- No. 25—Page 56, subclause 147 (3), line 19, after “member”, insert “(other than the Chairperson of the Commission)”.
- No. 26—Page 57, clause 150, line 8, after “person” (first occurring), insert “appointed as a member”.
- No. 27—Page 57, after subclause 152 (3), add the following new subclause:
“(4) In this section:
‘member’ does not include the Chairperson of the Commission.”.
- No. 28—Page 62, subclause 172 (1), line 6, after “members”, insert “, not fewer than 5,”.
- No. 29—Page 62, subclause 172 (2), lines 8 and 9, leave out the subclause, insert the following subclauses:
“(2) The Governor-General shall appoint the members on the nomination of the Minister.
“(2A) At least 1 of the members shall be appointed as a full-time member and each of the remaining members may be appointed as a full-time member or as a part-time member.”.
- No. 30—Page 62, after subclause 172 (3), add the following new subclause:
“(4) The performance of the functions or the exercise of the powers of the Panel is not affected merely because its membership is not as prescribed by subsections (1) and (2A), unless a continuous period of 3 months has elapsed since its membership ceased to be as so prescribed.”.
- No. 31—Page 62, clause 173, line 17, leave out “member”, insert “full-time member”.
- No. 32—Page 62, clause 175, at end of clause, add the following new subclauses:
“(2) A person who has attained the age of 65 years shall not be appointed as a full-time member.
“(3) A person shall not be appointed as a full-time member for a term extending beyond the day on which he or she will attain the age of 65 years.”.
- No. 33—Page 63, after paragraph 178 (a), insert the following new paragraphs:
“(ba) is a full-time member and engages without the Minister’s consent in paid employment outside the duties of the member’s office;
(bb) is a full-time member and is absent from duty, except on leave granted in accordance with section 179A, for 14 consecutive days, or for 28 days in any period of 12 months;”.

No. 34—Page 63, clause 178, at end of clause, add the following new subclause:
 “(2) The Governor-General may, with the consent of a full-time member who is an eligible employee, retire the member from office on the ground of incapacity.”.

No. 35—Page 63, after clause 179, insert the following new clauses:

Leave of absence

“179A. The Minister may grant to a full-time member leave of absence from duty on such terms and conditions as to remuneration or any other matter as the Minister specifies.

Other terms and conditions

“179B. A member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as the Minister determines in writing.”.

No. 36—Page 65, clause 185 of the Bill and Amendment No. 23 on page 4 of the Schedule of the Amendments made by the House of Representatives, leave out subclauses 185 (3) and (4), insert the following subclauses:

“(3) Subject to subsection (4), a hearing shall take place in public.

“(4) Where a national scheme law requires the Panel to give a person an opportunity to appear at a hearing, the Panel may direct that the hearing or part of the hearing take place in public or take place in private.”.

No. 37—Page 65, subclause 186 (1), line 24, at end of subclause, add “that is to take place in private”.

No. 38—Page 65, subclause 186 (3), line 34, leave out “A person shall not be present at a”, insert “Where the Panel directs that a hearing take place in private, a person shall not be present at the”.

No. 39—Page 81, before Part 13, insert the following new Part:

“PART 12B—THE PARLIAMENTARY COMMITTEE

Establishment and membership

“230FA. (1) As soon as practicable after the commencement of this Part and after the commencement of the first session of each Parliament, a joint committee of members of the Parliament, to be known as the Parliamentary Joint Committee on Corporations and Securities, shall be appointed.

“(2) The Parliamentary Committee shall consist of 10 members, of whom:

(a) 5 shall be senators appointed by the Senate; and

(b) 5 shall be members of the House of Representatives appointed by that House.

“(3) The appointment of members by a House shall be in accordance with that House’s practice relating to the appointment of members of that House to serve on joint select committees of both Houses.

“(4) A person is not eligible for appointment as a member if he or she is:

(a) a Minister;

(b) the President of the Senate;

(c) the Speaker of the House of Representatives;

(d) the Deputy-President and Chairman of Committees of the Senate; or

(e) the Chairman of Committees of the House of Representatives.

“(5) A member ceases to hold office:

(a) when the House of Representatives expires or is dissolved;

(b) if he or she becomes the holder of an office referred to in a paragraph of subsection (4);

(c) if he or she ceases to be a member of the House by which he or she was appointed; or

(d) if he or she resigns his or her office as provided by subsection (6) or (7), as the case requires.

“(6) A member appointed by the Senate may resign his or her office by writing signed and delivered to the President of the Senate.

“(7) A member appointed by the House of Representatives may resign his or her office by writing signed and delivered to the Speaker of that House.

“(8) A House may appoint one of its members to fill a vacancy among the members of the Parliamentary Committee appointed by that House.

Powers and proceedings

“230FB. Subject to this Act, all matters relating to the Parliamentary Committee’s powers and proceedings shall be determined by resolution of both Houses.

Duties

“230FC. The Parliamentary Committee’s duties are:

- (a) to inquire into, and report to both Houses on:
 - (i) activities of the Commission or the Panel, or matters connected with such activities, to which, in the Parliamentary Committee’s opinion, the Parliament’s attention should be directed; or
 - (ii) the operation of any national scheme law, or of any other law of the Commonwealth, of a State or Territory or of a foreign country that appears to the Parliamentary Committee to affect significantly the operation of a national scheme law;
- (b) to examine each annual report that is prepared by a body established by this Act and of which a copy has been laid before a House, and to report to both Houses on matters that appear in, or arise out of, that annual report and to which, in the Parliamentary Committee’s opinion, the Parliament’s attention should be directed; and
- (c) to inquire into any question in connection with its duties that is referred to it by a House, and to report to that House on that question.”.

On the motion of Mr Bowen (Attorney-General), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr R. F. Edwards reported accordingly.

On the motion of Mr Bowen, the House adopted the report.

- 17 **DEPUTY CHAIRMAN OF COMMITTEES:** The following warrant nominating a Deputy Chairman of Committees, pursuant to standing order 18, was laid on the Table by Mr Acting Speaker:

HOUSE OF REPRESENTATIVES

Pursuant to the provisions of standing order 18, I nominate John Neil Andrew to act as a Deputy Chairman of Committees when requested to do so by the Chairman of Committees.

Given under my hand on 23 May 1989.

LEO MCLEAY
Acting Speaker

- 18 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—EXPANSION OF INTERNATIONAL TERMINAL FACILITIES, MELBOURNE AIRPORT:** 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: Expansion of international terminal facilities, Melbourne airport.

Mr West presented plans in connection with the proposed work.

Debate ensued.

Question—put and passed.

19 MESSAGE FROM THE SENATE—CORPORATIONS BILL 1988: The following message from the Senate was reported:

Message No. 348

Mr Acting Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to enact a national law about corporations, securities and the futures industry, and for other purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 11 May 1989

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 43, paragraph 11 (a), line 32, leave out “, executive officer”.

No. 2—Page 43, paragraph 11 (c), line 34, leave out “, executive officer”.

No. 3—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, before subclause 66 (1), insert the following new subclause:

“(1A) In this section:

‘class’, in paragraphs (1) (e) and (2) (e), has a meaning affected by subsections (3) and (4);

‘listed corporation’ means a corporation that is included in an official list of a stock exchange within the meaning of Chapter 7;

‘prospectus’ means a prospectus:

(a) that was lodged under Part 7.12 or a corresponding law; and

(b) if that Part or law, as the case may be, required the prospectus, or a copy of it, to be registered under that Part or law—that, or a copy of which, as the case may be, was so registered.”.

No. 4—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, leave out paragraph 66 (1) (b).

No. 5—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, paragraph 66 (1) (e), before “both”, insert “except in the case of prescribed interests or units of prescribed interests—”.

No. 6—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, sub-subparagraph 66 (1) (e) (ii) (B), leave out “25”, insert “20”.

No. 7—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, paragraph 66 (1) (g), after “allotted”, insert “by a listed corporation”.

No. 8—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, subparagraph 66 (1) (h) (ii), before “the shares”, insert “the corporation is a listed corporation and”.

No. 9—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, leave out paragraph 66 (1) (j), insert the following paragraphs:

- “(ja) in the case of an issue of debentures (other than convertible notes) of a corporation—it is made to existing holders of debentures (other than convertible notes) of the corporation;
- (jb) in the case of an issue of convertible notes by a corporation—it is made to existing holders of convertible notes issued by the corporation;
- (j) the securities are debentures of an excluded corporation;”.

No. 10—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, leave out paragraph 66 (2) (b).

No. 11—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, paragraph 66 (2) (e), before “it is made or issued”, insert “except in the case of prescribed interests or units of prescribed interests—”.

No. 12—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, subparagraph 66 (2) (e) (ii), leave out “25”, insert “20”.

No. 13—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, leave out paragraph 66 (2) (h), insert the following paragraphs:

- “(ha) in the case of debentures (other than convertible notes) of a corporation—it is made or issued to existing holders of debentures (other than convertible notes) of the corporation;
- (hb) in the case of convertible notes issued, or to be issued, by a corporation—it is made or issued to existing holders of convertible notes issued by the corporation;
- (h) the securities are debentures of an excluded corporation;”.

No. 14—Page 63, clause 66 of the Bill and Amendment No. 19 on pages 3 to 6 of the Schedule of the Amendments made by the House of Representatives, leave out subclause 66 (3), insert the following subclauses:

- “(3) For the purposes of paragraphs (1) (e) and (2) (e):
- (a) a share in a corporation is of the same class of securities as any other share in the corporation; and
- (b) a debenture of a corporation is of the same class of securities as any other debenture of the corporation.
- “(4) For the purposes of subsection (3):
- (a) a unit of a share in a corporation shall be taken to be a share in the corporation; and
- (b) a convertible note issued, or to be issued, by a corporation, or a unit of such a convertible note, shall be taken to be both a share in, and a debenture of, the corporation.”.

No. 15—Page 112, paragraph 158 (1) (a), lines 18 and 19, leave out the paragraph, insert the following paragraph:

- “(a) on a particular day, a company ceases to be a trading corporation; and”.

No. 16—Page 112, paragraph 158 (2) (b), line 24, leave out the paragraph, insert the following paragraph:

- “(b) the company is not a trading corporation.”.

No. 17—Page 468, subclauses 644 (2) and (3), lines 23 to 37, leave out the subclauses, insert the following subclauses:

- “(2) Subject to subsections (3) and (3A), the Commission shall register the copies.
- “(3) The Commission shall refuse to register the copies if:
 - (a) it appears that the statement or the proposed offer does not comply, or that neither complies, with the requirements of this Act; or

(b) the Commission is of the opinion that the statement or the proposed offer contains, or that both contain, matter that is false in a material particular or materially misleading.

“(3A) The Commission shall refuse to register the copies unless, in relation to each report that, because of clause 18 in Part A in section 750, is set out in the copy of the statement, there is lodged a notice, signed by the person or persons by whom the report is made, to the effect that the person, or each of the persons, consents to the inclusion of the report in the statement in the form and context in which it is included.”.

No. 18—Page 506, subparagraph 701 (2) (c) (i), lines 23 to 28, leave out the subparagraph, insert the following subparagraph:

“(i) three-quarters of the offerees have disposed of to the offeror (whether under the takeover scheme or by acceptance of offers made by the takeover announcement, as the case may be, or otherwise) the shares subject to acquisition that were held by them; or”.

No. 19—Page 522, heading to Part 6.8, line 26, leave out “OF COMMISSION”.

No. 20—Page 522, clause 717, definition of “primary notice”, line 33, leave out “Commission”, insert “body giving the notice”.

No. 21—Page 523, clause 717, definition of “secondary notice”, line 18, leave out “Commission”, insert “body giving the notice”.

No. 22—Page 523, clause 718, at end of clause, add the following new subclauses:

“(2) A company that is a corporation, or a member of such a company, may by writing request the Commission to give notices under this Part in relation to specified voting shares in the company.

“(3) On receiving a request under subsection (2), the Commission shall, unless it considers that in all the circumstances it would be unreasonable to do so, give to the holder of the shares a primary notice in relation to the shares.

“(4) A company that is a corporation may give to the holder of particular voting shares in the company a primary notice in relation to the shares.”.

No. 23—Page 524, clause 719, lines 3 and 4, leave out all words from and including “the Commission” to end of the clause, insert the following words and new paragraphs:

“the Commission:

(a) if subsection 718 (3) or this subsection required the notice to be given—
shall, subject to subsection (2); or

(b) otherwise—may;

give to the other person a secondary notice in relation to the first-mentioned shares.”.

No. 24—Page 524, clause 719, at end of clause, add the following new subclauses:

“(2) The Commission need not comply with subsection (1) if it considers that in all the circumstances it would be unreasonable to give such a secondary notice to the other person.

“(3) Where a company that is a corporation receives, pursuant to a primary notice or secondary notice given to a person in relation to particular shares in the company, information that:

(a) another person has a relevant interest in any of the shares; or

(b) another person has given relevant instructions in relation to any of the shares;

the company may give to the other person a secondary notice in relation to the first-mentioned shares.”.

No. 25—Page 524, after clause 719, insert the following new clause:

Withdrawal of request under subsection 718 (2)

“719A. (1) A person may by writing withdraw a request made by the person under subsection 718 (2), even if the Commission has already given at least one notice because of the request.

“(2) After a request is withdrawn under subsection (1), neither of subsections 718 (3) and 719 (1) requires the Commission to give a notice or further notice because of the request.”.

No. 26—Page 524, clause 720, lines 5 to 9, leave out the clause, insert the following clause:

Commission may provide information obtained pursuant to a notice

“720. Where the Commission receives information pursuant to a primary notice or secondary notice in relation to shares in a company that is a corporation, the Commission:

- (a) in any case—may provide the information to the company; and
- (b) if, because of a request made by a person under subsection 718 (2), subsection 718 (3) or 719 (1) required the notice to be given—shall provide the information to the person, other than such of the information as the Commission considers it would be unreasonable in all the circumstances so to provide.”.

No. 27—Page 524, paragraphs 721 (1) (a) and (b), lines 15 to 17, leave out the paragraphs, insert the following paragraphs:

- “(a) the information should not be given to the body that gave the notice;
- (b) if the Commission gave the notice—the information, if given to the Commission, should not be provided under section 720, or should be so provided only in a particular form; or
- (c) if the company gave the notice—the information should only be given to the company in a particular form.”.

No. 28—Page 524, subclause 721 (2), lines 18 to 28, leave out the subclause, insert the following subclause:

“(2) Where the Commission is satisfied that there are special reasons why:

- (a) particular information should not be given to the body that gave the notice;
- (b) if the Commission gave the notice—particular information, if given to the Commission, should not be provided under section 720, or should be so provided only in a particular form; or
- (c) if the company gave the notice—particular information should only be given to the company in a particular form;

the Commission may give to the person a certificate referring to the information and stating that:

- (d) the information need not be given to that body;
- (e) the information, when given to the Commission, will not be provided under section 720, or will be so provided only in a specified form; or
- (f) the information need only be given to the company in a specified form; as the case may be.”.

No. 29—Page 524, clause 722, line 37, leave out “to the company”.

No. 30—Page 524, clause 722, at end of clause, add the following new subclause:

“(2) Where a company that is a corporation gives to a person a primary notice or secondary notice in relation to shares in the company, the person shall, forthwith after lodging a request under subsection 721 (1) in relation to particular information that the notice requires the person to give, notify the company in writing of the request.”.

No. 31—Pages 524 and 525, clause 723, line 39 (page 524) to line 17 (page 525), leave out the clause, insert the following clause:

Consequences of Commission’s decision on a request

“723. Within 2 business days after the day on which the Commission notifies a person of its decision on a request that the person lodged under subsection 721 (1) in relation to a primary notice or secondary notice in relation to shares in a company that is a corporation, the person shall:

- (a) if the Commission has given to the person pursuant to the request a certificate under subsection 721 (2):
 - (i) except as provided in the certificate, comply with the notice;

- (ii) if the company gave the notice and the certificate states that specified information need only be given to the company in a specified form—give the information to the company in that form; and
 - (iii) if the company gave the notice—give a copy of the certificate to the company; or
- (b) otherwise—comply with the notice.”.

No. 32—Page 525, before clause 724, insert the following new clause:

Fee for complying with a notice given by a company under this Part

“72.1A. (1) The regulations may prescribe fees that companies are to pay to persons for complying with notices given under this Part.

“(2) Where:

- (a) a company gives to a person a notice under this Part;
- (b) the regulations prescribe a fee that the company is to pay to the person for complying with the notice; and
- (c) but for this subsection, the person would be required to comply with subsection 722 (1) or section 723, in relation to the notice, before the end of a particular period;

the person is to be taken to be required to comply with that subsection or section before the end of:

- (d) the period referred to in paragraph (c); or
- (e) the period of 2 business days beginning on the day when the company so pays the fee;

whichever ends later.

“(3) Where:

- (a) because of subsection (2), a company pays to a person a fee for complying with a notice given to the person by the company under this Part; and
- (b) the person contravenes subsection 722 (1) or section 723 in relation to the notice;

the company may recover from the person as a debt the amount of the fee, even if the person later complies with the notice.

“(4) A company’s rights and remedies under subsection (3) are additional to, and do not prejudice, any other right or remedy of the company.”.

No. 33—Page 526, clause 727, line 40, leave out “to the Commission”.

No. 34—Page 526, clause 727, line 42, leave out “to the Commission”.

No. 35—Page 539, paragraph 742 (1) (b), line 1, leave out “to the Commission”.

No. 36—Page 532, subclause 735 (2), lines 19 and 20, leave out “may, if in the opinion of the Panel it is desirable to do so, before considering the application, make”, insert “or the President of the Panel may, if in the opinion of the Panel or President, as the case may be, it is desirable to do so, make, before the Panel considers the application.”.

No. 37—Page 532, subclause 735 (2), lines 22 to 25, leave out all words from and including; “application,” to end of the subclause, insert “application.”.

No. 38—Page 532, after subclause 735 (2), insert the following new subclauses:

“(2A) The provisions of subsections 734 (3), (4), (5) and (7), of subsections (3), (4), (5) and (6) of this section, and of section 736, apply in relation to an interim order under subsection (2) of this section as if such an order were an order under subsection 734 (2).

“(2B) In addition to, and without limiting, their application as mentioned in subsection (2A), the provisions referred to in that subsection apply, as so mentioned, as if the President were the Panel.”.

No. 39—Page 533, after clause 736, insert the following new clause in Part 6.9:

Commission may publish report about application to Panel or Court

“736A. (1) This section applies where the Commission:

- (a) applies under subsection 733 (1) for a declaration under subsection 733 (3) in relation to an acquisition of shares in a company or conduct engaged in in relation to shares in, or the affairs of, a company;
- (b) applies for an order to be made under subsection 734 (2) in reliance on such a declaration; or
- (c) applies for an order to be made under section 736 for the purpose of securing compliance with an order made under subsection 734 (2) in reliance on such a declaration.

“(2) The Commission may publish in any way it considers appropriate a report, statement or notice, whether or not in writing, that:

- (a) states that the application has been made;
- (b) names the company; and
- (c) if the Commission considers that the report, statement or notice should name any other person to whom:
 - (i) if paragraph (1) (a) applies—the declaration, if made, would relate; or
 - (ii) if paragraph (1) (b) or (c) applies—an order applied for would, if made, be directed;
 names that other person.

“(3) Nothing in this section limits by implication a function or power of the Commission, the Panel or any other person or body.”

No. 40—Page 585, subclause 798 (4), line 24, leave out the subclause, insert the following subclauses:

“(3A) The client is not entitled to give a notice under this section if, within a reasonable period before the agreement was entered into, the non-licensee informed the client (whether or not in writing) that:

- (a) the non-licensee did not hold a dealers licence; or
- (b) the non-licensee did not hold a dealers licence and did not hold an investment advisers licence;

as the case requires.

“(3B) If, at a time when a dealers licence or investment advisers licence held by the non-licensee was suspended, the non-licensee informed the client that the licence was suspended, the non-licensee is to be taken for the purposes of subsection (3A) to have informed the client at that time that the non-licensee did not hold a dealers licence or investment advisers licence, as the case may be.

“(4) None of subsections (2), (3) and (3A) limits the generality of either of the others.”

No. 41—Page 587, clause 804, at end of clause, add the following new subclause:

“(2) The Commission may, if it considers that it is in the public interest to do so, bring an action under subsection (1) in the name of, and for the benefit of, the client.”

No. 42—Page 697, subclause 1005 (2), line 5, leave out “3 years”, insert “6 years”.

No. 43—Page 702, after subclause 1013 (2), add the following new subclause:

“(3) The Commission may, if it considers that it is in the public interest to do so, bring an action under paragraph 1013 (1) (d), in the name of, and for the benefit of, a body corporate, for the recovery of a profit that the body is entitled to recover under that paragraph.”

No. 44—Page 703, paragraph 1016 (3) (a), lines 20 to 24, leave out the paragraph, insert the following paragraphs:

“(aa) subsection 1018 (1) were omitted and the following subsection substituted:

“(1) A person shall not, by the use of an eligible communications service, offer for subscription or purchase, or issue invitations to subscribe for or buy, securities of a body corporate unless:

- (a) a prospectus in relation to the securities has been lodged;

(b) the prospectus complies with the requirements of this Division; and

(c) if the prospectus is a registrable prospectus—it has been registered under section 1020A.;

(a) a reference to a corporation in any other provision of section 1018 were a reference to a body corporate;”.

No. 45—Page 703, clause 1016 of the Bill and Amendment No. 145 on page 17 of the Schedule of the Amendments made by the House of Representatives, leave out paragraph (a) of the substituted section 1020, insert the following paragraphs:

“(aa) if the securities are debentures—the form is attached to, or accompanied by, a copy of a prospectus;

(a) otherwise—the form is attached to a copy of a prospectus;”.

No. 46—Page 704, clause 1017A of the Bill and Amendment No. 147 on pages 17 to 19 of the Schedule of the Amendments made by the House of Representatives, subclause 1017A (1), leave out definition of “declared institutional investor”, insert the following definition:

“‘exempt recipient’ means:

(a) the trustee of a superannuation fund constituted by or under a law of the Commonwealth, of a State, of a Territory or of a foreign country;

(b) a holder of a dealers licence acting as principal;

(c) a corporation registered under the *Life Insurance Act 1945* or the *Financial Corporations Act 1974*;

(d) an investment company within the meaning of Part 4.4;

(e) the trustee of a trust that is declared by the Commission to be an equity unit trust for the purposes of this section and in respect of which there is an approved deed for the purposes of Division 5; or

(f) a person declared by the Commission, by notice published in the *Gazette*, to be an institutional investor for the purposes of this section;”.

No. 47—Page 704, clause 1017A of the Bill and Amendment No. 147 on pages 17 to 19 of the Schedule of the Amendments made by the House of Representatives, subclause 1017A (1), leave out definition of “listed unit trust”.

No. 48—Page 704, clause 1017A of the Bill and Amendment No. 147 on pages 17 to 19 of the Schedule of the Amendments made by the House of Representatives, leave out subclauses 1017A (3) and (4), insert the following subclauses:

“(3) A prospectus in relation to shares in, or debentures of, a corporation is exempt from registration under section 1020A if:

(a) the shares or debentures, as the case may be, are in a class of shares in, or debentures of, the corporation that are listed for quotation on a stock market of a stock exchange; or

(b) the relevant allotment, issue, offer or invitation is proposed to be made or issued:

(i) in the case of shares—to existing members of the corporation;

(ii) in any case—to an exempt recipient; or

(iii) if the corporation is a listed corporation, or is an approved unlisted corporation in relation to shares in the corporation, or debentures of the corporation, as the case may be—to employees of the corporation.

“(4) A prospectus in relation to prescribed interests made available by a corporation is exempt from registration under section 1020A if the relevant issue, offer or invitation is proposed to be made or issued:

(a) in any case—to an exempt recipient; or

(b) if the corporation is a listed corporation, or is an approved unlisted corporation in relation to prescribed interests made available by it—to employees of the corporation.”.

No. 49—Page 704, clause 1018 of the Bill and Amendment No. 148 on pages 19 and 20 of the Schedule of the Amendments made by the House of Representatives, after subclause 1018 (1), insert the following subclauses:

‘(1A) Subsection (1) does not apply in relation to an offer for purchase of, or an invitation to buy, issued securities that are in a class of securities of a corporation, if, throughout the period beginning immediately before the commencement of this section and ending immediately after the offer is made, or the invitation is issued, as the case may be, securities in that class were listed securities.

“(1B) In subsection (1A):

‘issued securities’ means securities issued before, at or after the commencement of this section;

‘listed securities’ means securities listed for quotation on a stock market of a stock exchange.

“(1C) Subsection (1A) does not apply in relation to:

(a) an offer to which section 1030 relates; or

(b) an invitation that, because of subsection 1030 (7), is deemed to be such an offer.”.

No. 50—Page 704, clause 1020 of the Bill and Amendment No. 149 on page 20 of the Schedule of the Amendments made by the House of Representatives, leave out paragraph 1020 (a), insert the following paragraphs:

“(aa) if the securities are debentures—the form is attached to, or accompanied by, a copy of a prospectus;

(a) otherwise—the form is attached to a copy of a prospectus;”.

No. 51—Page 704, clause 1020A of the Bill and Amendment No. 150 on page 20 of the Schedule of the Amendments made by the House of Representatives, leave out “Where a registrable prospectus is lodged, the Commission shall register the prospectus unless:”, insert the following:

“(1) Where a registrable prospectus is lodged, the Commission shall, subject to subsection (2), register the prospectus as soon as possible and in any event within the prescribed period.

“(2) The Commission shall refuse to register a prospectus if:”.

No. 52—Page 708, paragraph 1025 (2) (e), lines 28 and 29, leave out “and attached to a copy of the prospectus; and”, insert the following:

“and:

(i) if the securities are debentures—attached to, or accompanied by; or

(ii) otherwise—attached to;

a copy of the prospectus; and”.

No. 53—Page 717, paragraphs 1033 (2) (d) to (g), lines 7 to 23, leave out the paragraphs.

No. 54—Page 722, paragraph 1047 (2) (b), line 38, after “to”, insert “, or accompanied by,”.

No. 55—Page 744, clause 1067 of the Bill and Amendment No. 158 on page 21 of the Schedule of the Amendments made by the House of Representatives, subclause 1067 (1), leave out “(if any)”.

No. 56—Page 802, subclause 1164 (4), line 9, leave out the subclause, insert the following subclauses:

“(3A) The client is not entitled to give a notice under this section if, within a reasonable period before the agreement was entered into, the non-licensee informed the client (whether or not in writing) that:

(a) the non-licensee did not hold a futures brokers licence; or

(b) the non-licensee did not hold a futures brokers licence and did not hold a futures advisers licence;

as the case requires.

“(3B) If, at a time when a futures brokers licence or futures advisers licence held by the non-licensee was suspended, the non-licensee informed the client that the licence was suspended, the non-licensee is to be taken for the purposes

of subsection (3A) to have informed the client at that time that the non-licensee did not hold a futures brokers licence or futures advisers licence, as the case may be.

“(4) None of subsections (2), (3) and (3A) limits the generality of either of the others.”.

No. 57—Page 803, clause 1170, at end of clause, add the following new subclause:

“(2) The Commission may, if it considers that it is in the public interest to do so, bring an action under subsection (1) in the name of, and for the benefit of, the client.”.

On the motion of Mr Bowen (Attorney-General), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Rocher reported accordingly.

On the motion of Mr Bowen, the House adopted the report.

20 MESSAGE FROM THE SENATE—WHEAT MARKETING BILL 1989: The following message from the Senate was reported:

Message No. 363

Mr Acting Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act relating to the marketing of wheat, and for other purposes*”, and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,
Canberra, 11 May 1989

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 4, paragraph 5 (b), line 14, leave out “wheat”, insert “grain”.

No. 2—Page 4, paragraphs 6 (1) (b) and (c), lines 19 to 30, leave out the paragraphs, insert 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;”.

No. 3—Page 5, subclause 6 (3), lines 14 to 18, leave out the subclause.

No. 4—Page 5, subclause 6 (4), line 19, leave out “In spite of paragraph (3) (a), it”, insert “It”.

No. 5—Page 6, subclause 7 (4), line 16, after “subsection (3)”, insert “, after consultation with the Grains Council, and”.

No. 6—Page 8, after subclause 8 (3), add the following new 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.”.

No. 7—Page 10, paragraph 15 (1) (a), line 25, after “Chairperson”, add “who shall be a wheat grower at the time of appointment”.

No. 8—Page 10, paragraph 15 (1) (d), line 28, after “members”, add “5 of whom shall be wheat growers”.

- No. 9—Page 21, subclause 44 (2), line 27, leave out “Subject to subsection (3), persons”, insert “Persons”.
- No. 10—Page 21, subclause 44 (3), lines 29 to 33, leave out the subclause.
- No. 11—Page 28, after clause 61, insert the following new clause in Division 2:
Non-application of Trade Practices Act 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.”
- No. 12—Page 29, subclause 64 (4), lines 28 and 29, leave out the subclause.
- No. 13—Page 29, subclause 64 (5), line 30, leave out “The payment”, insert “If the Board grants an application made under subsection (1), the payment”.
- No. 14—Page 30, subclauses 64 (6), (7) and (8), lines 1 to 9, leave out the subclauses.
- No. 15—Page 33, after paragraph 69 (b), insert the following new 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;”
- No. 16—Page 34, subclauses 71 (2) to (5), lines 14 to 21, leave out the subclauses.
- No. 17—Page 39, subclause 78 (14), lines 9 to 14, leave out the subclause, insert the following subclause:
 “(14) The appropriate percentage, for all seasons commencing on or after 1 July 1989, is 95%.”
- No. 18—Page 39, subclauses 78 (18) and (19), lines 25 to 29, leave out the subclauses.
- No. 19—Page 40, after subclause 82 (2), add the following new subclause:
 “(3) Regulations for the purpose of subsection (1) shall not be made without agreement by the Grains Council, after consultation with the Board.”
- No. 20—Page 41, subclause 83 (3), lines 18 to 20, leave out the subclause, insert 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.”
- No. 21—Page 49, clause 94, at end of clause, add the following new subclause:
 “(2) Regulations shall not be made in respect of any of the matters permitted to be prescribed by section 7 and section 88 of this Act unless the Minister certifies that he has advised the members of the Australian Agricultural Council in writing of the subject matter of the proposed regulations.”
- Ordered—That amendments Nos. 1 and 21 be considered together before amendments Nos. 2 to 20 together.
- Mr Kerin (Minister for Primary Industries and Energy) moved—That Senate amendments Nos. 1 and 21 be disagreed to, but that in place thereof, respectively, amendments Nos. 1 and 5 be made:
 No. 1—Clause 5, page 4, lines 14 and 15, omit all words after “Australian”, insert “grain growers, and especially wheat growers, with a choice of marketing options”.
- No. 5—Clause 94, page 49, at the end of the clause add the following subclause:
 “(2) Regulations prescribing a State or Territory enactment for the purposes of section 7 or section 88 shall not be made unless the Minister has notified the Minister of the State or Territory responsible for the administration of the enactment of the subject-matter of the regulations.”
- Debate ensued.
- Question—put and passed.
- Mr Kerin moved—That Senate amendments Nos. 2 to 20 be disagreed to, but that in place of Senate amendments Nos. 5, 9 and 10, and 19, respectively, amendments Nos. 2, 3, and 4 be made:
 No. 2—Clause 7, page 6, omit subclause (4).

No. 3—Clause 44, page 21, omit subclause (3), substitute the following subclauses:

“(3) When the Chairperson is holding office in an executive capacity, a person shall not be employed by the Board on terms and conditions more favourable than those applying to the Chairperson.

“(3A) When the Chairperson is not holding office in an executive capacity, a person shall not be employed by the Board on terms and conditions more favourable than those for the time being determined under subsection 45 (2) except with the approval of the Minister.”.

No. 4—Clause 82, page 40, after subclause (2) insert the following subclause:

“(3) Regulations that would affect the operation of subsection (1) shall not be made except after consideration by the Minister of a report by the Grains Council made after consultation with the Board.”.

Debate ensued.

Question—put.

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

AYES, 77

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

NOES, 53

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

* Tellers

And so it was resolved in the affirmative.

Resolution to be reported.

The House resumed; Mr R. F. Edwards reported accordingly.

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

Mr Kerin moved—That Mr Wright, Mr Johns and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments Nos. 2 to 4, 6 to 8, 11 to 18, and 20 of the Senate.

Question—put and passed.

Mr Kerin, on behalf of the committee, brought up such reasons, which were circulated, and are as follows:

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

Senate amendment No. 2 is not acceptable because:

The amendment is an attempt to provide the AWB with powers to trade intrastate in the absence of complementary State legislation. However, the amendment goes beyond the Commonwealth Government's Constitutional power and simply cannot be accepted.

The only way this issue can be solved is for State Governments to pass the necessary complementary legislation.

Creating a clouded legal situation is not the answer since it puts the AWB in an impossible position. It would also put the Board at risk because of the potential it would create for a competitor to challenge the Constitutional validity of the Act, thus putting the whole legislation including the export monopoly, in jeopardy.

Senate amendment No. 3 is not acceptable because:

The amendment seeks to remove a standard provision which simply says that the Wheat Board may not exceed its Constitutional powers. Its exclusion would do nothing to change the Board's legal position and could put the whole Act in question.

Senate amendment No. 4 is not acceptable because:

This amendment is consequential on Senate Amendment No. 3.

Senate amendment No. 6 is not acceptable because:

The provision for the Minister to issue directions is a reserve power to allow for exceptional circumstances. It is not a power which is used lightly and it is not normal practice to include a provision regarding compensation. The question of compensation would normally be taken into account in issuing any direction.

Senate amendment No. 7 is not acceptable because:

The amendment places an unnecessarily restrictive condition on the appointment of Chairman of the Board which could be deleterious to the Board's success in a deregulated environment.

The Government has already indicated that initially the Chairman will be a grower, although it regards this as a transitional arrangement.

In the longer term the Chairman should be a person who has skills appropriate to the broader commercial charter of the Board. It is therefore not appropriate for it to be specified in legislation that the Chairman should be a grower.

Senate amendment No. 8 is not acceptable because:

As with Senate amendment No. 7 it is not appropriate that the Board composition be so narrowly prescribed in legislation. The key to the Wheat Board's success in operating in the new deregulated environment will be the quality of the Board and its staff. The Board therefore needs the best people available with a balance of production, marketing and finance skills.

Senate amendment No. 11 is not acceptable because:

In the first instance, such an amendment is unnecessary.

The Bill provides clear authority for the AWB to operate pools. Such operations are therefore authorised under section 51 of the Trade Practices Act, which provides for specific exemptions for the activities of statutory marketing authorities.

Secondly, such a specific exemption in respect of the pools marketing activities is unwarranted. As indicated in the second reading speech the AWB should not operate in such a way as to abuse its market power.

Senate amendment No. 12 is not acceptable because:

The amendment removes the requirement that, subject to certain circumstances, where a grower seeks a cash-out payment from the pool, the Board shall provide that option.

Given that most of the wheat crop is exported and that the Board's export monopoly is being retained, some growers will have no alternative but to deliver to the Board. The Government believes the offer of a cash-out from the pool should remain mandatory.

Senate amendment No. 13 is not acceptable because:

The amendment is consequential on Senate amendment No. 12.

Senate amendment No. 14 is not acceptable because:

The amendment is consequential on Senate amendment No. 12.

Senate amendment No. 15 is not acceptable because:

The amendment is unnecessary because act of grace payments are a matter for the Board's commercial judgment and there is thus no need to make specific provision for them in the legislation.

Senate amendment No. 16 is not acceptable because:

The requirement that statutory authorities obtain Government approval of their borrowings is Government policy. It recognises, even in the absence of a formal guarantee, the potential liability of Governments if statutory authorities are unable to meet their borrowing liabilities and, is not unreasonably restrictive.

Senate amendment No. 17 is not acceptable because:

The amendment is contrary to the Government's policy to phase down underwriting, consistent with its broader policy of reducing Government involvement in statutory marketing, industry taking greater responsibility for its own risk management, and greater commercialisation of the Board.

Senate amendment No. 18 is not acceptable because:

The Government is already providing substantial assistance to the Wheat Board through its two borrowing guarantees, the provision of \$800 million of National Interest Cover for credit sales; and the maintenance of the export monopoly.

In addition it has broken new ground through provisions in the Bill to exempt the Board from restrictive State regulation of transport, handling and storage.

Against that background, the Government is not prepared to commit itself to guarantee Board borrowings beyond 5 years.

Senate amendment No. 20 is not acceptable because:

The amendment places the Grains Council above the Government in terms of the requirement that Grains Council agreement is necessary before the making of regulations regarding the Fund.

On the motion of Mr Kerin, the committee's reasons were adopted.

- 21 **INCOME EQUALIZATION DEPOSITS LAWS AMENDMENT BILL 1989:** Mr Kerin (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Loan (Income Equalization Deposits) Act 1976* and the *Income Tax Assessment Act 1936*, 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 Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 22 **NORTHERN TERRITORY GRANT (ELECTRICITY) BILL 1989:** Mr P. F. Morris (Minister Assisting the Treasurer), by leave, presented a Bill for an Act to grant financial assistance to the Northern Territory, and for related purposes.

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

- 23 **LOCAL GOVERNMENT (FINANCIAL ASSISTANCE) AMENDMENT BILL 1989:** Mr Holding (Minister representing the Minister for Immigration, Local Government and Ethnic Affairs), by leave, presented a Bill for an Act to amend the *Local Government (Financial Assistance) Act 1986*.

Bill read a first time.

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

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

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

- 24 **CUSTOMS TARIFF AMENDMENT BILL (NO. 3) 1989:** Mr Holding (Minister for the Arts, Tourism and Territories) presented a Bill for an Act to amend the *Customs Tariff Act 1987*.

Bill read a first time.

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

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

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

- 25 **MOTOR VEHICLE STANDARDS BILL 1989:** Mr R. J. Brown (Minister for Land Transport and Shipping Support), pursuant to notice, presented a Bill for an Act to provide for national motor vehicle standards, and for related purposes.

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.

- 26 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—ADJOURNMENT, NEW BUSINESS AND BILLS—LIMITATION OF DEBATE:** Mr Beazley (Leader of the House), having amended, by leave, notice No. 3, government business, moved—That:

(1) sessional order 48A (adjournment of House) and standing order 103 (11 o'clock rule) be suspended for the sittings this week; and

(2) in relation to the proceedings on the following Bills, so much of the standing and sessional orders be suspended as would prevent the Leader of the House making one declaration of urgency and moving one motion for the allotment of time in respect of all the Bills:

Customs and Excise Legislation Amendment Bill (No. 3) 1989;

Customs Tariff Amendment Bill (No. 2) 1989;

Excise Tariff Amendment Bill 1989;

States Grants (Schools Assistance) Amendment Bill 1989;

States Grants (Technical and Further Education Assistance) Amendment Bill 1989;

Higher Education Funding Amendment Bill 1989;

Aboriginal and Torres Strait Islander Commission Bill 1989;

Institute of Aboriginal and Torres Strait Islander Studies Bill 1989;

Aboriginal Development Commission Amendment Bill 1989;

Co-operative Scheme Legislation Amendment Bill 1989;

Companies (Fees: Taxation Component) Bill 1989;

Companies (Acquisition of Shares—Fees: Taxation Component) Bill 1989;

Securities Industry (Fees: Taxation Component) Bill 1989;

Futures Industry (Fees: Taxation Component) Bill 1989;

Taxation Laws Amendment Bill (No. 3) 1989;

Income Tax (International Agreements) Amendment Bill 1989;

Sales Tax (Exemptions and Classifications) Amendment Bill 1989 [No. 2];
Industry, Technology and Commerce Legislation Amendment Bill 1989;
Social Security and Veterans' Affairs Legislation Amendment Bill (No. 2)
1989;

Air Navigation Amendment Bill 1989;

Income Tax (Arrangements with the States) Repeal Bill 1989;

Australian Federal Police Legislation Amendment Bill 1989;

Horticultural Legislation Amendment Bill 1989;

Horticultural Levy Amendment Bill 1989;

Horticultural Export Charge Amendment Bill 1989;

Northern Territory Grant (Electricity) Bill 1989;

Community Services and Health Legislation Amendment Bill 1989;

Supported Accommodation Assistance Bill 1989;

Income Equalization Deposits Laws Amendment Bill 1989;

Customs Tariff Amendment Bill (No. 3) 1989;

Motor Vehicle Standards Bill 1989; and

Local Government (Financial Assistance) Amendment Bill 1989.

Debate ensued.

Question—put.

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

AYES, 78

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

NOES, 49

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

* Tellers

And so it was resolved in the affirmative.

27 DECLARATION OF BILLS AS URGENT BILLS—LIMITATION OF DEBATE: Mr Beazley (Leader of the House) declared that the Customs and Excise Legislation Amendment Bill (No. 3) 1989, Customs Tariff Amendment Bill (No. 2) 1989, Excise Tariff Amendment Bill 1989, States Grants (Schools Assistance) Amendment Bill 1989, States Grants (Technical and Further Education

Assistance) Amendment Bill 1989, Higher Education Funding Amendment Bill 1989, Aboriginal and Torres Strait Islander Commission Bill 1989, Institute of Aboriginal and Torres Strait Islander Studies Bill 1989, Aboriginal Development Commission Amendment Bill 1989, Co-operative Scheme Legislation Amendment Bill 1989, Companies (Fees: Taxation Component) Bill 1989, Companies (Acquisition of Shares—Fees: Taxation Component) Bill 1989, Securities Industry (Fees: Taxation Component) Bill 1989, Futures Industry (Fees: Taxation Component) Bill 1989, Taxation Laws Amendment Bill (No. 3) 1989, Income Tax (International Agreements) Amendment Bill 1989, Sales Tax (Exemptions and Classifications) Amendment Bill 1989 [No. 2], Industry, Technology and Commerce Legislation Amendment Bill 1989, Social Security and Veterans' Affairs Legislation Amendment Bill (No. 2) 1989, Air Navigation Amendment Bill 1989, Income Tax (Arrangements with the States) Repeal Bill 1989, Australian Federal Police Legislation Amendment Bill 1989, Horticultural Legislation Amendment Bill 1989, Horticultural Levy Amendment Bill 1989, Horticultural Export Charge Amendment Bill 1989, Northern Territory Grant (Electricity) Bill 1989, Community Services and Health Legislation Amendment Bill 1989, Supported Accommodation Assistance Bill 1989, Income Equalization Deposits Laws Amendment Bill 1989, Customs Tariff Amendment Bill (No. 3) 1989, Motor Vehicle Standards Bill 1989 and Local Government (Financial Assistance) Amendment Bill 1989 were urgent Bills.

Question—That the Bills be considered urgent Bills—put and passed.

Allotment of time: Mr Beazley then moved—That the time allotted in connection with the Bills be as follows:

- (1) Customs and Excise Legislation Amendment Bill (No. 3)—
 - (a) For the second reading, until 10.50 p.m. this day;
 - (b) For the committee stage, until 10.55 p.m. this day;
 - (c) For the remaining stages, until 11 p.m. this day.
- (2) Customs Tariff Amendment Bill (No. 2)—For the remaining stages, until 11.05 p.m. this day.
- (3) Excise Tariff Amendment Bill—For the remaining stages, until 11.10 p.m. this day.
- (4) States Grants (Schools Assistance) Amendment Bill—For the remaining stages, until 12.05 a.m. on Wednesday, 24 May.
- (5) States Grants (Technical and Further Education Assistance) Amendment Bill—For the remaining stages, until 12.10 a.m. on Wednesday, 24 May.
- (6) Higher Education Funding Amendment Bill—For the remaining stages, until 12.15 a.m. on Wednesday, 24 May.
- (7) Aboriginal and Torres Strait Islander Commission Bill—
 - (a) For the second reading, until 1.20 a.m. on Wednesday, 24 May;
 - (b) For the committee stage, until 1.25 a.m. on Wednesday, 24 May;
 - (c) For the remaining stages, until 1.30 a.m. on Wednesday, 24 May.
- (8) Institute of Aboriginal and Torres Strait Islander Studies Bill—
 - (a) For the second reading, until 1.35 a.m. on Wednesday, 24 May;
 - (b) For the committee stage, until 1.40 a.m. on Wednesday, 24 May;
 - (c) For the remaining stages, until 1.45 a.m. on Wednesday, 24 May.
- (9) Aboriginal Development Commission Amendment Bill—
 - (a) For the second reading, until 1.50 a.m. on Wednesday, 24 May;
 - (b) For the committee stage, until 1.55 a.m. on Wednesday, 24 May;
 - (c) For the remaining stages, until 2 a.m. on Wednesday, 24 May.
- (10) Co-operative Scheme Legislation Amendment Bill—
 - (a) For the second reading, until 9.40 a.m. on Wednesday, 24 May;
 - (b) For the committee stage, until 9.50 a.m. on Wednesday, 24 May;
 - (c) For the remaining stages, until 9.53 a.m. on Wednesday, 24 May.
- (11) Companies (Fees: Taxation Component) Bill—For the remaining stages, until 9.56 a.m. on Wednesday, 24 May.

- (12) Companies (Acquisition of Shares—Fees: Taxation Component) Bill—For the remaining stages, until 9.59 a.m. on Wednesday, 24 May.
- (13) Securities Industry (Fees: Taxation Component) Bill—For the remaining stages, until 10.02 a.m. on Wednesday, 24 May.
- (14) Futures Industry (Fees: Taxation Component) Bill—For the remaining stages, until 10.05 a.m. on Wednesday, 24 May.
- (15) Taxation Laws Amendment Bill (No. 3)—For the remaining stages, until 11.10 a.m. on Wednesday, 24 May.
- (16) Income Tax (International Agreements) Amendment Bill—For the remaining stages, until 11.15 a.m. on Wednesday, 24 May.
- (17) Sales Tax (Exemptions and Classifications) Amendment Bill [No. 2]—For the remaining stages, until 11.20 a.m. on Wednesday, 24 May.
- (18) Industry, Technology and Commerce Legislation Amendment Bill—For the remaining stages, until 12.20 p.m. on Wednesday, 24 May.
- (19) Social Security and Veterans' Affairs Legislation Amendment Bill (No. 2)—For the remaining stages, until 1.30 p.m. on Wednesday, 24 May.
- (20) Air Navigation Amendment Bill—For the remaining stages, until 5.30 p.m. on Wednesday, 24 May.
- (21) Income Tax (Arrangements with the States) Repeal Bill—For the remaining stages, until 8.20 p.m. on Wednesday, 24 May.
- (22) Australian Federal Police Legislation Amendment Bill—For the remaining stages, until 9.30 p.m. on Wednesday, 24 May.
- (23) Horticultural Legislation Amendment Bill—For the remaining stages, until 10.25 p.m. on Wednesday, 24 May.
- (24) Horticultural Levy Amendment Bill—For the remaining stages, until 10.30 p.m. on Wednesday, 24 May.
- (25) Horticultural Export Charge Amendment Bill—For the remaining stages, until 10.35 p.m. on Wednesday, 24 May.
- (26) Northern Territory Grant (Electricity) Bill—For the remaining stages, until 11.35 p.m. on Wednesday, 24 May.
- (27) Community Services and Health Legislation Amendment Bill—For the remaining stages, until 8.15 p.m. on Thursday, 25 May.
- (28) Supported Accommodation Assistance Bill—For the remaining stages, until 8.20 p.m. on Thursday, 25 May.
- (29) Income Equalization Deposits Laws Amendment Bill—For the remaining stages, until 9.30 p.m. on Thursday, 25 May.
- (30) Customs Tariff Amendment Bill (No. 3)—For the remaining stages, until 10.40 p.m. on Thursday, 25 May.
- (31) Motor Vehicle Standards Bill—For the remaining stages, until 11.40 p.m. on Thursday, 25 May.
- (32) Local Government (Financial Assistance) Amendment Bill—For the remaining stages, until 12.40 a.m. on Friday, 26 May.

Question—put and passed.

28 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 3) 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.

Limitation of debate: At 10.50 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

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

Mr R. J. Brown (Minister for Land Transport and Shipping Support), by leave, moved the following amendments together:

Clause 5, page 3, line 7, omit "that definition", substitute "the definition of 'forestry' in subsection (7)".

Clause 6, page 4, after paragraph (c) of proposed new subsection (1A) insert the following paragraph:

"(ca) if any rebate has been paid—demanding repayment of so much of the rebate paid as exceeds the rebate that would have been paid but for the statement or omission;"

Clause 16, page 8, after paragraph (c) of proposed new subsection (1A) insert the following paragraph:

"(ca) if any rebate has been paid—demanding repayment of so much of the rebate paid as exceeds the rebate that would have been paid but for the statement or omission;"

Debate continued.

Limitation of debate: At 10.55 p.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

Question—That the amendments be agreed to—put and passed.

Further question—That the Bill, as amended, be agreed to, and that the Bill be reported with amendments—put and passed.

The House resumed; Mr Cowan reported accordingly.

On the motion of Mr R. J. Brown, the House adopted the report, and the Bill was read a third time.

29 CUSTOMS TARIFF AMENDMENT 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 R. J. Brown (Minister for Land Transport and Shipping Support), the Bill was read a third time.

30 EXCISE TARIFF 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.

Mr R. J. Brown (Minister for Land Transport and Shipping Support) moved—That the Bill be now read a third time.

Debate ensued.

Limitation of debate: At 11.10 p.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

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

31 STATES GRANTS (SCHOOLS ASSISTANCE) 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—

Debate resumed by Mr Reith who moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "whilst not declining to give the Bill a second reading, the House:

(1) condemns the Government for its policies on schools; and

(2) calls on the Government to adopt policies that will facilitate the true advancement of education in Australia”.

Debate continued.

The House continuing to sit until after 12 midnight—

WEDNESDAY, 24 MAY 1989

Debate continued.

Limitation of debate: At 12.05 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

Amendment negatived.

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

Message from the Governor-General: Message No. 203, dated 10 May 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

Further question—That the remaining stages of the Bill be agreed to—put and passed—Bill read a third time.

32 STATES GRANTS (TECHNICAL AND FURTHER EDUCATION ASSISTANCE) 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.

Message from the Governor-General: Message No. 204, dated 10 May 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan (Minister for Employment and Education Services), the Bill was read a third time.

33 HIGHER EDUCATION FUNDING 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.

Message from the Governor-General: Message No. 205, dated 10 May 1989, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Duncan (Minister for Employment and Education Services), the Bill was read a third time.

34 ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION 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.

Limitation of debate: At 1.20 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

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

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

AYES, 71

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

NOES, 41

Mr Anderson	Mr Downer	Mr McArthur	Mr Sharp
Mr Beale	Dr H. R. Edwards	Mr McGauran	Mr Shipton
Mr Blunt	Mr T. A. Fischer	Mr MacKellar	Mr Smith
Mr Braithwaite	Mr P. S. Fisher	Mr Miles	Mr Spender
Mr N. A. Brown	Mr Hall	Mr Nehl*	Mr Taylor
Mr Cadman	Mr Halverson	Mr Pratt	Mr Tuckey
Mr D. M. Cameron	Mr Hawker*	Mr Prosser	Mr Webster
Mr E. C. Cameron	Dr Hewson	Mr Reith	Mr Wilson
Mr Carlton	Mr Howard	Mr Robinson	Dr Woods
Mr Cobb	Mr Jull	Mr Shack	Dr Wooldridge
Mr Connolly			

* Tellers

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

Message from the Governor-General: Message No. 206, dated 5 May 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

Limitation of debate: The time allotted for the committee stage having expired—
Question—That the Bill and the amendments circulated by the Government be agreed to, and that the Bill be reported with amendments—put and passed.

The amendments and new clause circulated by the Government were accordingly made in the Bill, and are as follows:

Amendments—

Clause 4—

Page 5, line 9, before "Institute" (second occurring) insert "Australian".

Page 5, line 10, before "Institute" insert "Australian".

Clause 44, page 23, at the end of the clause add the following subclause:

"(5) In spite of any policy determined or direction given by the Commission for the purposes of subsection (4), the Chief Executive Officer shall, when requested by the Minister, provide information or advice to the Minister on any matter specified by the Minister."

Clause 99, page 43, lines 5 to 7, omit paragraphs (b) and (c), substitute the following word and paragraph:

“; and (b) either:

- (i) the person's name is on the Commonwealth Electoral Roll and the person's place of living as shown on that Roll is within the region for which the Regional Council is established; or

- (ii) the person is entitled to vote at the election pursuant to rules made under subsection 109 (2A).”.

New clause—

After clause 100, page 43, insert the following new clause:

Errors in Commonwealth Electoral Roll not to affect entitlements

“100A. (1) For the purposes of this Act, a person’s name shall be taken to be on the Commonwealth Electoral Roll if the name appearing on the Roll is, in the opinion of an authorised Electoral Officer, sufficient to identify the person, even if:

- (a) a given name of the person has been omitted from the Roll, or a wrong given name has been entered on the Roll;
- (c) the person’s surname has been misspelt; or
- (c) the Roll does not show the person’s correct address.

“(2) For the purposes of this Act, a person’s name shall be taken to be on the Commonwealth Electoral Roll even if his or her name as shown on that Roll has been changed because of his or her marriage.”.

Amendments—

Clause 109—

Page 45, line 38, after “conducted” insert “(including elections conducted because previous elections have been declared to be void)”.

Page 46, after paragraph (2) (a) insert the following paragraph:

“(aa) the functions of Aboriginal and Torres Strait Islander liaison officers in connection with the determination of a person’s entitlement to vote;”.

Page 46, after subclause (2) insert the following subclause:

“(2A) The rules may make provisions entitling Aboriginal persons and Torres Strait Islanders to vote at Regional Council elections even if those persons would not be entitled so to vote pursuant to subparagraph 99 (b) (i) and, without limiting the generality of the foregoing, may make provision in relation to the following matters:

- (a) the determination of the Regional Council election at which a person is entitled to vote if:
 - (i) the person’s name is on the Commonwealth Electoral Roll; but
 - (ii) pursuant to a provision of the *Commonwealth Electoral Act 1918*, the person’s place of living or address is not shown on the Commonwealth Electoral Roll;
- (b) how a vote cast by a person is to be dealt with where:
 - (i) the person was entitled to have his or her name on the Commonwealth Electoral Roll; but
 - (ii) the person’s name was not on that Roll because of a mistake by a person exercising powers or performing functions under the *Commonwealth Electoral Act 1918*;
- (c) the casting of a provisional vote by a person whose name does not, on the polling day, appear to be on the Commonwealth Electoral Roll;
- (d) the circumstances in which a provisional vote cast pursuant to rules made under paragraph (c) is to be accepted.”.

Clause 111, page 47, line 32, omit “members”, substitute “remaining members (if any)”.

Clause 193, page 72, after paragraph (1) (b) insert the following paragraph:

“(ba) a decision made by the Commission to give notice to a person or body under subsection 20 (1) or (3);”.

Clause 228, page 88, omit subclause (4).

Schedule 4, page 98, omit "DISPUTED ELECTIONS", insert the following headings:

**"DISPUTES ABOUT ELECTORAL MATTERS
"Part 1—Interpretation".**

Schedule 4—

Page 98, subclause 1 (1), after the definition of "illegal practice" insert the following definition:

"reference" means a reference of a question to the Court under clause 16;"

Page 98, after clause 1 insert the following heading:

"Part 2—Disputed Elections".

New clause—

Page 99, after clause 7 insert the following new clause:

Right of Minister to be represented

"7A. (1) If the Minister thinks that it is in the public interest to do so, the Minister is entitled to enter an appearance in any proceedings in which the validity of any election or declaration of a poll is disputed.

"(2) When the Minister enters an appearance in such proceedings, the Minister:

- (a) is entitled to be represented and heard in the proceedings; and
- (b) shall be taken to be a party respondent to the proceedings."

Amendments—

Page 100, after paragraph 9 (1) (h) insert the following paragraph:

"(ha) to make any order, or give any direction, that the Court thinks is necessary or convenient for the purpose of giving effect to any declaration or other decision of the Court in the proceedings;"

Pages 101 to 103, omit clauses 13, 14, 15, 16, 17, 18, 19, 21 and 22, substitute the following clauses:

Immaterial errors not to vitiate election

"13. (1) No election shall be avoided on account of any delay in the declaration of nominations, the polling, or the declaration of the poll, or on account of the absence or error of or omission by any officer which did not affect the result of the election.

"(2) Where any elector was, on account of the absence or error of, or omission by, any officer, prevented from voting in any election, the Court shall not, for the purpose of determining whether the absence or error of, or omission by, the officer did or did not affect the result of the election, admit any evidence of the way in which the elector intended to vote in the election.

Evidence that person not permitted to vote

"14. On the trial of any election petition the Court shall not admit the evidence of any witness that he or she was not permitted to vote in the election during the hours of polling on a polling day unless the witness satisfies the Court:

- (a) that he or she claimed to vote, in the election, pursuant to that provision of this Act or the Regional Council election rules under which he or she was entitled or might be permitted to vote; and
- (b) that he or she complied with the requirements of this Act, and whichever of the Regional Council election rules and the zone election rules is applicable, relative to voting by electors in so far as he or she was permitted so to do.

Deposit applicable for costs

"15. If costs are awarded to any party against a petitioner, the deposit shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

“Part 3—Qualifications and vacancies

Reference of question as to qualification or vacancy

“16. (1) Any question respecting:

- (a) the qualifications of a member of a Regional Council; or
- (b) a vacancy in a Regional Council;

may be referred to the Court by the Minister.

“(2) The Court has jurisdiction to hear and determine the question.

“(3) The jurisdiction of the Court to hear and determine questions may be exercised by a single Judge of the Court.

Minister to state case

“17. Where the Minister refers a question to the Court under this Part, the Minister shall also give to the Court a statement of the question upon which the determination of the Court is desired, and any documents relating to the question that are in the Minister’s possession.

Parties to the reference

“18. (1) The Court may:

- (a) allow any person who, in the Court’s opinion, is interested in the determination of a question to be heard on the hearing of the reference; or
- (b) direct notice of a reference to be served on any person.

“(2) A person who is:

- (a) allowed to be heard under paragraph (1) (a); or
- (b) directed to be served under paragraph (1) (b);

is a party to the reference.

References to be heard in open court

“19. When hearing a reference, the Court shall sit as an open court.

Powers of Court

“20. The powers of the Court in hearing a reference include, but are not limited to, the following powers:

- (a) the powers conferred on the Court under clause 9, so far as they are applicable;
- (b) the power to declare that any person was not qualified to be a member of a Regional Council;
- (c) the power to declare that there is a vacancy in a Regional Council.

Order etc, to be sent to Minister, Commission and Regional Council affected

“21. After the hearing and determination of a reference, the Registrar of the Court shall send a copy of the declaration or other decision of the Court to:

- (a) the Minister;
- (b) the Commission; and
- (c) the Regional Council concerned.

“Part 4—General

Real justice to be observed

“22. The Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not.

Decisions to be final

“22A. All decisions of the Court shall be final and conclusive and without appeal, and shall not be questioned in any way.

Counsel or solicitor

“22B. (1) No party to an election petition or a reference shall, except by consent of all parties, or by leave of the Court, be represented by counsel or solicitor.

“(2) In no case shall more than one counsel or one solicitor appear on behalf of any party.

Costs

'22C. The Court may award costs against an unsuccessful party to a petition or reference.

Effect of declarations etc.

"22D. (1) A declaration made by the Court in proceedings under this Schedule has effect according to its terms.

"(2) The validity of anything done by the Commission or by the person in the capacity of a Commissioner, is not affected by the fact that a person appointed as a Commissioner has since ceased to hold office as a Commissioner because of a declaration of the Court under this Schedule.

"(3) The validity of anything done by the Commission or by a Regional Council is not affected by the fact that a person has since ceased to be a member of a Regional Council because of a declaration of the Court under this Schedule."

The House resumed; Mr R. F. Edwards reported accordingly.

Limitation of debate: The time allotted for the remaining stages of the Bill having expired—

Question—That the report be adopted and the Bill be now read a third time—put and passed—Bill read a third time.

35 INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES 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.

Limitation of debate: At 1.35 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the second reading had expired—

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

Message from the Governor-General: Message No. 207, dated 10 May 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

Bill, by leave, taken as a whole.

Mr Hand (Minister for Aboriginal Affairs), by leave, moved the following amendments together:

Clause 1, page 1, line 5, insert "*Australian*" before "*Institute*".

Clause 3, page 2, line 24, insert "*Australian*" before "*Institute*" (second occurring).

Heading to Part 2, page 2, line 33, insert "AUSTRALIAN" before "INSTITUTE".

Clause 4, page 2, line 36, insert "*Australian*" before "*Institute*".

Clause 48, page 15, line 27, before "*Institute*" (second occurring) insert "*Australian*".

Clause 62, page 19, omit the clause.

Clause 63—

Page 19, line 20, before "*Institute*" insert "*Australian*".

Page 19, line 23, before "*Institute*" insert "*Australian*".

Clause 64, page 19, line 28, before "*Institute*" insert "*Australian*".

Title, page 1, insert "*Australian*" before "*Institute*".

Limitation of debate: At 1.40 a.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

Question—That the amendments be agreed to—put and passed.

Further question—That the Bill, as amended, be agreed to, and that the Bill be reported with amendments—put and passed.

The House resumed; Mr R. F. Edwards reported accordingly.

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

36 ABORIGINAL DEVELOPMENT COMMISSION 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—

Debate resumed.

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.

Mr Hand (Minister for Aboriginal Affairs) moved the following amendment:

“Clause 3, page 1, before paragraph (a) insert the following paragraph:

(aa) by omitting ‘, whether or not resulting in the acquisition of gain’ from paragraph (b) of the definition of ‘business enterprise’ in subsection (1);”.

Limitation of debate: At 1.55 a.m., the Deputy Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

Question—That the amendment be agreed to—put and passed.

Further question—That the Bill, as amended, be agreed to, and that the Bill be reported with an amendment—put and passed.

The House resumed; Mr R. F. Edwards reported accordingly.

On the motion of Mr Hand, the House adopted the report.

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

Debate ensued.

Limitation of debate: At 2 a.m., the Deputy Speaker having called the attention of the House to the fact that the time allotted for the remaining stages had expired—

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

37 ADJOURNMENT: Mr Hand (Minister for Aboriginal Affairs) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 2.01 a.m., adjourned until 9.15 a.m. this day.

PAPERS: The following papers were deemed to have been presented on 23 May 1989:

Acts Interpretation Act—Statement relating to failure to furnish report within specified period—Aboriginal Development Commission—Report for 1987-88.

Australian National University Act—

Regulation—Statutory Rules 1989, No. 89.

Statute—No. 206—Faculties (The Faculties) Amendment No. 22.

Canberra College of Advanced Education Act—Regulation—Statutory Rules 1989, No. 90.

- Christmas Island Act—Ordinance—1989—No. 2—Penal Code.
- Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Parts—
 105—Amendment, dated 4 May 1989.
 106—Amendment, dated 5 May 1989.
- Defence Act—Determinations under section 58B—1989—
 No. 51—Namibia Allowance.
 No. 53—Post Allowance.
 No. 54—Temporary Rental Allowance.
 No. 55—Salary of Permanent Force Members and Allowances of the Vice Chief
 of the Defence Force (Revocation).
 No. 57—Rates of Travelling Allowance—Vanuatu and other allowances.
 No. 58—Charge for Rations and Quarters.
 No. 59—Temporary Rental Allowance.
 No. 60—Rates of Travelling Allowance—Riyadh and other allowances.
 No. 61—Allowance for Loss on Sale of Vehicle.
 No. 62—Rates of Travelling Allowance—Ireland and other allowances.
 No. 64—Overseas Living Allowance and other allowances.
- Designs Act—Regulations—Statutory Rules 1989, No. 95.
- Lands Acquisition Act—Statement of lands acquired by agreement authorised under
 subsection 7 (1).
- National Health Act—Pharmaceutical benefits information provision incentive
 payment rules, pursuant to section 99AAA, dated 19 April 1989.
- Patents Act—Regulations—Statutory Rules 1989, Nos. 92, 93.
- Proclamations by His Excellency the Governor-General fixing the dates on which
 the following Acts and sections of Acts shall come into operation—
A.C.T. Self-Government (Consequential Provisions) Act 1988—Sections 5, 7,
 9, 10, 12 to 30 (inclusive) and section 32 so far as it relates to the
 amendment of certain other Acts—11 May 1989.
Australian Capital Territory (Planning and Land Management) Act 1988—
 Part IV and sections 28 to 32 (inclusive) and sections 51 and 52—11 May
 1989.
Australian Capital Territory (Self-Government) Act 1988—Parts II, V and
 VII and sections 22 to 33 (inclusive), subsections 34 (1) to (7) (inclusive),
 subsection 34 (9), sections 35, 49 to 55 (inclusive), subsections 56 (2) to
 (4) (inclusive) and sections 69, 70, 71 and 72—11 May 1989.
- Remuneration Tribunals Act—
 Determinations—1989/2—National Better Health Program Management Committee
 and National Consultative Group of Service Spouses.
 Regulations—Statutory Rules 1989, No. 91.
- Seat of Government (Administration) Act—
 Ordinances—1989—
 No. 21—Self-Government (Citation of Laws).
 No. 22—Interpretation (Amendment).
 No. 23—Self-Government (Transitional Provisions).
 No. 24—Subordinate Laws.
 No. 25—Reserved Laws (Interpretation).
 No. 26—Public Service.
 No. 27—Administrative Heads (Tenure of Office).
 No. 28—Electricity and Water (Amendment).
 No. 29—Registration of Births, Deaths and Marriages (Amendment).
 No. 30—Evidence (Laws and Instruments).
 No. 31—Public Place Names.
 No. 32—Teaching Service (Consequential Modifications).
 No. 33—Administrative Decisions (Judicial Review).
 No. 34—Crimes (Offences against the Government).
 No. 35—Crown Suits.
 No. 36—Government Solicitor.

- No. 37—Audit.
- No. 38—Self-Government (Consequential Amendments).
- No. 39—National Land.
- No. 40—National Memorials (Amendment).
- No. 41—Administration.
- No. 42—Reserved Laws (Administration).
- No. 43—Seat of Government (Administration) (Repeal).
- No. 44—Justices of the Peace.
- No. 45—Ombudsman.
- No. 46—Freedom of Information.
- No. 47—Publications Control.
- No. 48—Classification of Publications (Amendment) (No. 2).
- No. 49—Remuneration (Repeal).
- No. 50—Remuneration (Miscellaneous Amendments).
- No. 51—Administrative Appeals Tribunal.
- No. 52—Sale of Goods (Vienna Convention) (Amendment).
- Regulations—1989—
 - No. 8 (Audit Ordinance).
 - No. 9 (Ombudsman Ordinance).
 - No. 10 (Administrative Appeals Tribunal Ordinance).
- Telecommunications Act—Australian Telecommunications Commission—By-laws—
Telecommunications (Charging Zones and Charging Districts) Amendment No. 89.
- Telecommunications (Community Calls) Amendment No. 54.
- Trade Marks Act—Regulations—Statutory Rules 1989, No. 94.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Aldred, Mrs Child, Mr Hicks, Mr Howe and Mr Mountford.

A. R. BROWNING
Clerk of the House of Representatives