

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 76

THURSDAY, 20 JUNE 1991

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

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

Mr Reith and Mr Ruddock, from 5 and 3 petitioners, respectively, praying that legislation preventing the right to advertise electoral material on radio and television be rejected.

Mr Beazley, from 30 petitioners, praying that the AIDEX exhibition be replaced with an exhibition which highlights hazards to the environment.

Mr Beazley, from 18 petitioners, praying that certain action be taken to increase and guarantee the level of ABC funding and that the prohibition on corporate sponsorship and advertising on the ABC be maintained.

Mr Filing, from 86 residents of Western Australia, praying that the 15 per cent import duty on metham sodium be removed.

Mr Nehl, from 56 petitioners, praying that funding of abortions through Medicare cease and that the right to life of the unborn be protected.

Mr Reith, from 52 petitioners, praying that legislation preventing the right to advertise political material on radio and television be rejected.

Mr Sawford, from 24 petitioners, praying that the Abortion Funding Abolition Bill 1990 be passed and other action be taken to protect the right to life of the unborn.

Mr Scholes, from 32 petitioners, praying that a goods and services tax not be agreed to.

Mr Simmons, from 20 petitioners, praying that the UN Convention on the Rights of the Child be amended to recognise the importance of the family unit and the rights and responsibilities of parents and that certain international treaties be debated in Parliament.

Petitions received.

3 **LONG TERM STRATEGIES—STANDING COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER:** The order of the day having been read for the resumption of the debate on the motion of Mr Jones—That the House take note of the paper (*presented on 6 June 1991*), viz.:

Long Term Strategies—Standing Committee—Australia as an information society: Grasping new paradigms—Report, dated 15 May 1991—Debate resumed.

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

4 PROCEDURE—STANDING COMMITTEE—REPORTS—MOTION TO TAKE NOTE OF PAPERS:

The order of the day having been read for the resumption of the debate on the motion of Mr Scholes—That the House take note of the papers (*presented on 6 June 1991*), viz.:

Procedure—Standing Committee—Reports, dated 4 June 1991—

A citizen's right of reply.

The standing orders governing: General rule for conduct of business and procedures for the opening of Parliament—

Debate resumed.

Mr R. F. Edwards, who had already spoken, again addressed the House, by leave.

Debate continued.

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

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

5 DEFENCE SERVICE HOMES LOANS: Mr Filing, pursuant to notice, moved—

That this House:

- (1) notes the federal Government's promise, made in 1988 at the time of the transfer of the Defence Service Homes Loans (DSHL) portfolio to the Westpac Banking Corporation, that no DSHL recipient would be financially worse off as a result of the transfer;
- (2) notes that DSHL recipients are required to pay FID tax, fees on discharge of mortgages and other bank charges; and
- (3) calls on the federal Government to honour its promise.

Debate ensued.

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

6 VICTIMS OF CRIME: Mr Cobb, pursuant to notice, moved—That federal

Parliament acknowledges the need in this country for the legal system to more fully recognise the plight of victims of crime instead of directing the focus of most attention towards protecting and creating rights and privileges for the perpetrators of crime.

Debate ensued.

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

7 PRESS—PROPOSED ROYAL COMMISSION: The order of the day having been

read for the resumption of the debate on the motion of Mr Langmore—That, in view of:

- (1) the concentration of ownership of the press which is unprecedented in Australia's history and unparalleled in any Western democracy; and
- (2) the unacceptable concentration of power, the restrictions on the diversity of information and ideas, the barriers to entry and other aspects of market failure, the diminished localism of content and accountability, the debilitating impact on journalistic culture and the conflicts of interest which this concentration of ownership involves—this House calls for the establishment of a Royal Commission to inquire into the press including:
 - (a) the extent of concentration in the ownership and control and the effects of that on:
 - (i) the provision of accurate, fair and comprehensive news;
 - (ii) the diversity of opinions and the opportunities for expression; and

(iii) the practice of journalism; and
 (b) the regulatory framework in Australia.

Debate resumed.

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

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

Question proposed—That grievances be noted.

Debate ensued.

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

Question—That grievances be noted—put and passed.

9 MEMBERS' STATEMENTS: Members' statements were made.

10 QUESTIONS: Questions without notice were asked.

11 AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS: The Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1990-91—

No. 29—Department of Employment, Education and Training: JOBTRAIN.

No. 30—Department of Social Security: Age pension sub-program, Income and assets testing and real estate.

No. 31—Department of Community Services and Health: Nursing homes payment system.

No. 32—Department of Community Services and Health: Administration of the Medicare Benefits Schedule.

No. 33—Departmental administrative activities.

No. 34—Department of Administrative Services: Services provided to Members of Parliament and their staff.

No. 35—Potential erosion of accountability to the Parliament: Australian Wool Realisation Commission and Australian Wool Corporation.

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

(1) this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the Auditor-General's audit reports Nos. 29, 30, 31, 32, 33, 34 and 35 of 1990-91; and

(2) the reports be printed.

Question—put and passed.

12 PAPERS: The following papers were presented:

Aboriginal Land Commissioner—Report to the Minister for Aboriginal Affairs and the Administrator of the Northern Territory, relating to—

Garawa/Mugularrangu (Robinson River) land claim (Report No. 33).

McLaren Creek land claim (Report No. 32).

Administrative Review Council—Report No. 33—Review of the Administrative Decisions (Judicial Review) Act: Statements of reasons for decisions.

Advance to the Minister for Finance—

Statement for May 1991.

Supporting applications of issues from the Advance during May 1991.

Australian Mission on Management Skills—Report—Volume 1, dated June 1991.

Australian Nuclear Science and Technology Organisation Act—Safety Review Committee—Report for 1989-90—Corrigendum.

Department of Defence—Schedule of special purpose flights for period 1 July to 31 December 1990.

Employment, Education and Training Act—

Guidelines pursuant to subsection 8(1), in relation to performance of functions of the National Board of Employment, Education and Training, dated May 1991.

National Board of Employment, Education and Training—Australian Research Council report, including the Board's comments—Proposal to build a gravitational wave observatory in Australia, dated May 1991.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Commonwealth Serum Laboratories Commission—Report for 1989-90.

Finance and Public Administration—Standing Committee—Reports of inquiry into sports funding and administration—Copy of letter from Mrs Kelly, Minister for the Arts, Sport, the Environment, Tourism and Territories, to Mr Martin, MP, Chairman, relating to delay in the Government's response.

National Health Act—Private Health Insurance Administration Council—Report on the operations of the registered health insurance organisations for 1989-90, financial statements 1989-90 and statistical supplement.

13 NATIONAL BOARD OF EMPLOYMENT, EDUCATION AND TRAINING—GUIDELINES IN RELATION TO PERFORMANCE OF FUNCTIONS—PAPER—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) moved—That the House take note of the following paper:

Employment, Education and Training Act—Guidelines pursuant to subsection 8(1), in relation to performance of functions of the National Board of Employment, Education and Training, dated May 1991.

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

14 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED: Dr Hewson (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Prime Minister from explaining forthwith to this House why he imposed on his Cabinet the totally irrational and hypocritical decision to prohibit further mining at Coronation Hill thereby denying the Jawoyn people their basic right to negotiate directly with the joint venturers on the future of the Coronation Hill mine.

Closure of Member: Mr Beazley (Leader of the House) moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 68

Mr Baldwin	Mr Duncan	Mrs Jakobsen	Mr Price
Mr Beazley	Mr R. F. Edwards	Mr Jenkins	Mr Punch
Mr Beddall	Mr Elliott	Mr Johns	Mr Sawford
Mr Bevis	Mr Ferguson	Mr Jones	Mr Scholes
Dr Blewett	Mr Fitzgibbon	Mr Kelly	Mr Sciacca
Mr Brereton	Mr Free	Mr Kerin	Mr J. L. Scott
Mr R. J. Brown	Mr Gear*	Mr Kerr	Mr L. J. Scott
Mr Campbell	Mr Gibson	Mr Langmore	Mr Simmons
Dr Catley	Mr Gorman	Mr Lee	Mr Snow
Dr Charlesworth	Mr Grace*	Mr Lindsay	Mr Snowdon
Mr Courtice	Mr Griffiths	Ms McHugh	Mr Staples
Ms Crawford	Mr Hand	Mr Melham	Dr Theophanous
Mr Crean	Mr Hawke	Mr A. A. Morris	Mr Tickner
Mrs Crosio	Mr Holding	Mr P. F. Morris	Mr Walker
Mr Dawkins	Mr Hollis	Mr Newell	Mr West
Mr Dubois	Mr Howe	Mr O'Keefe	Mr H. F. Woods
Mr Duffy	Mr Humphreys	Mr O'Neil	Mr Wright

NOES, 63

Mr Aldred	Mr Cowan	Mr Jull	Mr Ronaldson
Mr Anderson	Mr Dobie	Dr Kemp	Mr Ruddock
Mr J. N. Andrew*	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr K. J. Andrews	Dr H. R. Edwards	Mr McArthur	Mr Shack
Mr Atkinson	Mr Fife	Mr McGauran	Mr Sharp
Mrs Bailey	Mr Filing	Mr Mack	Mr Sinclair
Mr Beale	Mr T. A. Fischer	Mr MacKellar	Mr Smith
Mr Bradford	Mr P. S. Fisher	Mr Miles	Mrs Sullivan
Mr Broadbent	Mr Ford	Mr Moore	Mr Taylor
Mr Burr	Mrs Gallus	Mr Nehl	Mr Truss
Mr Cadman	Mr Goodluck	Mr Nugent	Mr Tuckey
Mr Cameron	Mr Hall	Mr Peacock	Mr Webster
Mr Carlton	Mr Halverson	Mr Prosser	Mr Wilson
Mr Chaney	Mr Hawker	Mr Reid	Dr R. L. Woods
Mr Cobb	Dr Hewson	Mr Reith	Dr Wooldridge
Mr Connolly	Mr Hicks*	Mr Rocher	

* Tellers

And so it was resolved in the affirmative.

Mr T. A. Fischer (Leader of the National Party of Australia—seconder) addressing the House—

Closure of Member: Mr Beazley moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 69

Mr Baldwin	Mr R. F. Edwards	Mr Jenkins	Mr Sawford
Mr Beazley	Mr Elliott	Mr Johns	Mr Scholes
Mr Beddall	Mr Ferguson	Mr Jones	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mrs Kelly	Mr J. L. Scott
Dr Blewett	Mr Free	Mr Kerin	Mr L. J. Scott
Mr Brereton	Mr Gayler	Mr Kerr	Mr Simmons
Mr R. J. Brown	Mr Gear*	Mr Langmore	Mr Snow
Mr Campbell	Mr Gibson	Mr Lee	Mr Snowdon
Dr Catley	Mr Gorman	Mr Lindsay	Mr Staples
Dr Charlesworth	Mr Grace*	Ms McHugh	Dr Theophanous
Mr Courtice	Mr Griffiths	Mr Melham	Mr Tickner
Ms Crawford	Mr Hand	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Hawke	Mr P. F. Morris	Mr West
Mrs Crosio	Mr Holding	Mr Newell	Mr H. F. Woods
Mr Dawkins	Mr Hollis	Mr O'Keefe	Mr Wright
Mr Dubois	Mr Howe	Mr O'Neil	
Mr Duffy	Mr Humphreys	Mr Price	
Mr Duncan	Mrs Jakobsen	Mr Punch	

NOES, 63

Mr Aldred	Mr Cowan	Dr Kemp	Mr Ruddock
Mr Anderson	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr J. N. Andrew*	Dr H. R. Edwards	Mr McArthur	Mr Shack
Mr K. J. Andrews	Mr Fife	Mr McGauran	Mr Sharp
Mr Atkinson	Mr Filing	Mr Mack	Mr Sinclair
Mrs Bailey	Mr T. A. Fischer	Mr MacKellar	Mr Smith
Mr Beale	Mr P. S. Fisher	Mr Miles	Mr Somlyay
Mr Bradford	Mr Ford	Mr Moore	Mrs Sullivan
Mr Broadbent	Mrs Gallus	Mr Nehl	Mr Taylor
Mr Burr	Mr Goodluck	Mr Nugent	Mr Truss
Mr Cadman	Mr Hall	Mr Peacock	Mr Tuckey
Mr Cameron	Mr Halverson	Mr Prosser	Mr Webster
Mr Carlton	Mr Hawker	Mr Reid	Mr Wilson
Mr Chaney	Dr Hewson	Mr Reith	Dr R. L. Woods
Mr Cobb	Mr Hicks*	Mr Rocher	Dr Wooldridge
Mr Connolly	Mr Jull	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

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

Question—That the question be now put—put.

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

AYES, 69

Mr Baldwin	Mr R. F. Edwards	Mr Jenkins	Mr Sawford
Mr Beazley	Mr Elliott	Mr Johns	Mr Scholes
Mr Beddall	Mr Ferguson	Mr Jones	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mrs Kelly	Mr J. L. Scott
Dr Blewett	Mr Free	Mr Kerin	Mr L. J. Scott
Mr Brereton	Mr Gayler	Mr Kerr	Mr Simmons
Mr R. J. Brown	Mr Gear*	Mr Langmore	Mr Snow
Mr Campbell	Mr Gibson	Mr Lee	Mr Snowdon
Dr Catley	Mr Gorman	Mr Lindsay	Mr Staples
Dr Charlesworth	Mr Grace*	Ms McHugh	Dr Theophanous
Mr Courtice	Mr Griffiths	Mr Melham	Mr Tickner
Ms Crawford	Mr Hand	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Hawke	Mr P. F. Morris	Mr West
Mrs Crosio	Mr Holding	Mr Newell	Mr H. F. Woods
Mr Dawkins	Mr Hollis	Mr O'Keefe	Mr Wright
Mr Dubois	Mr Howe	Mr O'Neil	
Mr Duffy	Mr Humphreys	Mr Price	
Mr Duncan	Mrs Jakobsen	Mr Punch	

NOES, 63

Mr Aldred	Mr Cowan	Dr Kemp	Mr Ruddock
Mr Anderson	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr J. N. Andrew*	Dr H. R. Edwards	Mr McArthur	Mr Shack
Mr K. J. Andrews	Mr Fife	Mr McGauran	Mr Sharp
Mr Atkinson	Mr Filing	Mr Mack	Mr Sinclair
Mrs Bailey	Mr T. A. Fischer	Mr MacKellar	Mr Smith
Mr Beale	Mr P. S. Fisher	Mr Miles	Mr Somlyay
Mr Bradford	Mr Ford	Mr Moore	Mrs Sullivan
Mr Broadbent	Mr Gallus	Mr Nehl	Mr Taylor
Mr Burr	Mr Goodluck	Mr Nugent	Mr Truss
Mr Cadman	Mr Hall	Mr Peacock	Mr Tuckey
Mr Cameron	Mr Halverson	Mr Prosser	Mr Webster
Mr Carlton	Mr Hawker	Mr Reid	Mr Wilson
Mr Chaney	Dr Hewson	Mr Reith	Dr R. L. Woods
Mr Cobb	Mr Hicks*	Mr Rocher	Dr Wooldridge
Mr Connolly	Mr Jull	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of the standing and sessional orders be agreed to—being accordingly put—

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

AYES, 63

Mr Aldred	Mr Cowan	Dr Kemp	Mr Ruddock
Mr Anderson	Mr Downer	Mr Lloyd	Mr B. C. Scott
Mr J. N. Andrew*	Dr H. R. Edwards	Mr McArthur	Mr Shack
Mr K. J. Andrews	Mr Fife	Mr McGauran	Mr Sharp
Mr Atkinson	Mr Filing	Mr Mack	Mr Sinclair
Mrs Bailey	Mr T. A. Fischer	Mr MacKellar	Mr Smith
Mr Beale	Mr P. S. Fisher	Mr Miles	Mr Somlyay
Mr Bradford	Mr Ford	Mr Moore	Mrs Sullivan
Mr Broadbent	Mr Gallus	Mr Nehl	Mr Taylor
Mr Burr	Mr Goodluck	Mr Nugent	Mr Truss
Mr Cadman	Mr Hall	Mr Peacock	Mr Tuckey
Mr Cameron	Mr Halverson	Mr Prosser	Mr Webster
Mr Carlton	Mr Hawker	Mr Reid	Mr Wilson
Mr Chaney	Dr Hewson	Mr Reith	Dr R. L. Woods
Mr Cobb	Mr Hicks*	Mr Rocher	Dr Wooldridge
Mr Connolly	Mr Jull	Mr Ronaldson	

NOES, 69

Mr Baldwin	Mr R. F. Edwards	Mr Jenkins	Mr Sawford
Mr Beazley	Mr Elliott	Mr Johns	Mr Scholes
Mr Beddall	Mr Ferguson	Mr Jones	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mrs Kelly	Mr J. L. Scott
Dr Blewett	Mr Free	Mr Kerin	Mr L. J. Scott
Mr Brereton	Mr Gayler	Mr Kerr	Mr Simmons
Mr R. J. Brown	Mr Gear*	Mr Langmore	Mr Snow
Mr Campbell	Mr Gibson	Mr Lee	Mr Snowdon
Dr Catley	Mr Gorman	Mr Lindsay	Mr Staples
Dr Charlesworth	Mr Grace*	Ms McHugh	Dr Theophanous
Mr Courtice	Mr Griffiths	Mr Melham	Mr Tickner
Ms Crawford	Mr Hand	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Hawke	Mr P. F. Morris	Mr West
Mrs Crosio	Mr Holding	Mr Newell	Mr H. F. Woods
Mr Dawkins	Mr Hollis	Mr O'Keefe	Mr Wright
Mr Dubois	Mr Howe	Mr O'Neil	
Mr Duffy	Mr Humphreys	Mr Price	
Mr Duncan	Mrs Jakobsen	Mr Punch	

* Tellers

And so it was negatived.

15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—CORONATION HILL:

The House was informed that Mr T. A. Fischer (Leader of the National Party of Australia) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's failure to provide leadership and adopt a position in the national interest regarding the renewal of mining at Coronation Hill".

The proposed discussion having received the necessary support—

Mr T. A. Fischer addressed the House.

Discussion ensued.

Discussion concluded.

16 ALTERATION OF DAY AND HOUR OF NEXT MEETING: Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until tomorrow at 10 a.m.

Mr Fife moved, as an amendment—That the following words be added to the motion: ", and that the routine of business for tomorrow include Question Time".

Debate continued.

Question—That the words proposed to be added be so added—put.

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

AYES, 58

Mr Aldred	Mr Cobb	Mr Jull	Mr Ruddock
Mr Anderson	Mr Connolly	Dr Kemp	Mr B. C. Scott
Mr J. N. Andrew*	Mr Downer	Mr Lloyd	Mr Sharp
Mr K. J. Andrews	Dr H. R. Edwards	Mr McArthur	Mr Sinclair
Mr Atkinson	Mr Fife	Mr McGauran	Mr Smith
Mrs Bailey	Mr Filing	Mr Mack	Mr Somlyay
Mr Beale	Mr T. A. Fischer	Mr MacKellar	Mr Taylor
Mr Bradford	Mr P. S. Fisher	Mr Miles	Mr Truss
Mr Broadbent	Mr Ford	Mr Moore	Mr Tuckey
Mr Burr	Mrs Gallus	Mr Nehl	Mr Webster
Mr Cadman	Mr Goodluck	Mr Nugent	Mr Wilson
Mr Cameron	Mr Hall	Mr Peacock	Dr R. L. Woods
Mr Carlton	Mr Halverson	Mr Prosser	Dr Wooldridge
Mr Chaney	Mr Hawker	Mr Reid	
Mr Charles	Mr Hicks*	Mr Rocher	

NOES, 67

Mr Baldwin	Mr R. F. Edwards	Mr Jenkins	Mr Punch
Mr Beazley	Mr Elliott	Mr Johns	Mr Sawford
Mr Beddall	Mr Ferguson	Mr Jones	Mr Scholes
Mr Bevis	Mr Fitzgibbon	Mrs Kelly	Mr Sciacca
Dr Blewett	Mr Free	Mr Kerin	Mr J. L. Scott
Mr Brereton	Mr Gayler	Mr Kerr	Mr L. J. Scott
Mr R. J. Brown	Mr Gear*	Mr Langmore	Mr Simmons
Mr Campbell	Mr Gibson	Mr Lee	Mr Snow
Dr Catley	Mr Gorman	Mr Lindsay	Mr Snowdon
Dr Charlesworth	Mr Grace*	Ms McHugh	Mr Staples
Mr Courtice	Mr Griffiths	Mr Melham	Dr Theophanous
Ms Crawford	Mr Hand	Mr A. A. Morris	Mr Tickner
Mr Crean	Mr Holding	Mr P. F. Morris	Mr Walker
Mrs Crosio	Mr Hollis	Mr Newell	Mr West
Mr Dubois	Mr Howe	Mr O'Keefe	Mr H. F. Woods
Mr Duffy	Mr Humphreys	Mr O'Neil	Mr Wright
Mr Duncan	Mrs Jakobsen	Mr Price	

* Tellers

And so it was negatived.

Motion agreed to.

17 MESSAGES FROM THE SENATE: Messages from the Senate were reported:

(a) returning the following Bills without amendment:

18 June 1991—Message—

No. 236—Supply (Parliamentary Departments) 1991-92.

No. 237—Supply (No. 1) 1991-92 (*without requests*).

No. 238—Supply (No. 2) 1991-92.

No. 243—Income Tax (International Agreements) Amendment 1991.

18 June 1991 a.m.—Message—

No. 229—Telecommunications (Application Fees) 1991.

No. 230—Telecommunications (Carrier Licence Fees) 1991 (*without requests*).

No. 231—Telecommunications (Numbering Fees) 1991.

No. 232—Telecommunications (Universal Service Levy) 1991 (*without requests*).

19 June 1991—Message—

No. 239—Student Assistance Amendment 1991.

No. 240—Departure Tax Amendment 1991 (*without requests*).

No. 241—Local Government (Financial Assistance) Amendment 1991.

(b) returning the following Bill and acquainting the House that the Senate does not insist upon its amendment No. 1 disagreed to by the House:

18 June 1991—Message No. 235—Petroleum Resource Rent Legislation Amendment 1991.

18 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:

6 June 1991—Message No. 155—

Appropriation (Parliamentary Departments) (No. 2) 1990-91.

Appropriation (No. 4) 1990-91.

Appropriation (No. 5) 1990-91.

15 June 1991—Message No. 156—Industry, Technology and Commerce Legislation Amendment 1991.

19 MIGRATION REGULATIONS—JOINT STANDING COMMITTEE: The House was informed that the Opposition Whip had nominated Mrs Sullivan to be a member of the Joint Standing Committee on Migration Regulations in place of Mr Burr.

20 **SELECTION COMMITTEE:** Mr Beazley (Leader of the House), by leave, moved—That Mr Burr be discharged from attendance on the Selection Committee, and that, in his place, Mr Reid be appointed a member of the committee.

Question—put and passed.

21 **MESSAGE FROM THE SENATE—TELECOMMUNICATIONS BILL 1991:** The following message from the Senate was reported:

Message No. 227

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act about telecommunications, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 18 June 1991 a.m.

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—Clause 3, page 2, at end of clause, add the following word and paragraphs:

- “; and (j) promoting the development of Australia’s telecommunications capabilities, industries and skills, for use in Australia and overseas; and
- (k) promoting research and development within Australia in relation to new and diverse telecommunications facilities and services for use in Australia and overseas; and
- (l) ensuring that all parts of the community benefit from lower prices for telecommunications facilities and services and from the future development of telecommunications networks”.

No. 2—Clause 38, page 20, lines 1 and 2, omit all words from “General” to “from”, substitute the following:

General functions—protection of public interest and consumers

“38. (1) The functions of AUSTEL include ensuring that the provisions of this Act are carried out with due regard to the public interest.

“(2) The functions of AUSTEL include protecting consumers from”.

No. 3—Clause 38, page 20, paragraph (a), line 7, after “complaints”, add “, including complaints about charges for telecommunications services”.

No. 4—Clause 38, page 20, after paragraph (b), insert the following paragraph:

“(ba) monitoring, and reporting to the Minister on, the performance of carriers and other persons in meeting the standards developed under paragraph (b); and”.

No. 5—Clause 38, page 20, at end of clause, add the following subclause:

“(2) When developing standards under paragraph (b), AUSTEL must have regard to the best international practice performance indicators available to it.”.

No. 6—Clause 40, page 20, paragraph (b), lines 31 and 32, omit the paragraph, substitute the following paragraph:

“(b) carrier performance, measured against the best international practice performance indicators available to AUSTEL, and with particular reference to consumer satisfaction, consumer benefits and quality of service.”.

No. 7—Clause 47, page 22, after subclause (1), insert the following subclause: “(1A) AUSTEL, the carriers, and the persons who supply eligible services, must give to officers and authorities of the Commonwealth and of the States and Territories such help as is reasonably necessary for any of the following purposes:

- (a) enforcing the criminal law and laws imposing pecuniary penalties;
- (b) protecting the public revenue;
- (c) safeguarding national security.”.

No. 8—Clause 47, page 22, subclause (2), line 20, at end of subclause, add “or (1A)”.

No. 9—Clause 47, page 22, paragraph (3) (a), line 24, after “(1)”, insert “or (1A)”.

No. 10—Clause 47, page 22, paragraphs (3) (b) and (c), lines 25 to 31, omit the paragraphs, substitute the following paragraphs:

“(b) in compliance or purported compliance with a condition of a general telecommunications licence or public mobile licence held by the carrier, being:

- (i) a condition that is expressed to have the purpose of giving effect to subsection (1) or (1A); or

(ii) a condition of the kind referred to in paragraph 63 (4) (l); or

(c) in compliance or purported compliance with a direction that AUSTEL has given in good faith:

- (i) in performance or purported performance of the duty imposed by subsection (1) or (1A); or

(ii) under a condition of the kind referred to in paragraph 63 (4) (l).”.

No. 11—Clause 47, page 22, paragraph (4) (a), line 36, after “(1)”, insert “or (1A)”.

No. 12—Clause 47, page 22, paragraph (4) (b), line 40, after “(1)”, insert “or (1A)”.

No. 13—Clause 47, page 22, paragraph (4) (c), lines 41 to 43, omit the paragraph, substitute the following paragraph:

“(c) in compliance or purported compliance with a direction that AUSTEL has given in good faith:

- (i) in performance or purported performance of the duty imposed by subsection (1) or (1A); or

(ii) under a condition of a kind referred to in paragraph (b) of this subsection.”.

No. 14—Clause 47, page 23, at end of clause, add the following subclause:

“(6) Nothing in this section limits the generality of anything else in it.”.

No. 15—Clause 57, page 25, subclause (3), lines 35 and 36, omit the subclause.

No. 16—Clause 57, page 25, at end of clause, add the following subclause:

“(4) The Minister must cause a copy of each licence to be laid before each House of the Parliament within 15 sitting days of that House after the licence is granted, but failure to do so does not affect the validity of a licence.”.

No. 17—Clause 60, page 26, subclause (4), lines 28 and 29, omit the subclause.

No. 18—Clause 61, page 27, subclause (3), lines 1 and 2, omit the subclause.

No. 19—Clause 63, page 28, after paragraph (4) (g), insert the following paragraph:

- “(ga) a condition about how the holder is to ensure and maintain quality in connection with its supply of telecommunication services;”.

No. 20—Clause 63, page 28, paragraph (4)(l), lines 28 and 29, omit all words from “necessary” to “security”, substitute the following: “necessary for any of the following purposes:

- (i) enforcing the criminal law and laws imposing pecuniary penalties;
- (ii) protecting the public revenue;
- (iii) safeguarding national security”.

No. 21—Clause 63, page 28, at end of subclause (4), add the following paragraph:

“; (m) a condition that the holder must, as soon as practicable and in association with other carriers, enter into an Ombudsman scheme, providing for investigation and report to AUSTEL in relation to complaints by consumers about all matters relating to service, billing and the manner of charging for telecommunications services”.

No. 22—Clause 63, page 28, at end of clause, add the following subclause:

“(8) As soon as practicable after the day on which this Act receives the Royal Assent, the Minister shall cause to be laid before each House of the Parliament a copy of the form of a licence.”.

No. 23—Clause 66, page 29, at end of clause, add the following subclause:

“(4) An instrument made by the Minister under section 64 or 65 is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

No. 24—Clause 69, page 30, subclause (1), lines 27 and 28, omit all words from “Minister” to “proposes”, substitute the following:

Reports by AUSTEL on proposed instruments about licence conditions

“69. (1) Where the Minister proposes:

- (a) to make an instrument under subsection 71(3); or
- (b) to make under section 64 or 65 an instrument that would have the effect of varying or removing a prescribed carrier obligation of a carrier;

the Minister must by writing request AUSTEL to give a written report about the question whether, having regard to such matters (if any) as are specified in the request, it is in the public interest to make the proposed instrument.

“(1A) Subject to subsection (1), where the Minister proposes”.

No. 25—Clause 70, page 32, at end of clause, add the following subclause:

“(7A) As soon as practicable after the day on which this Act receives the Royal Assent, the Minister shall cause to be laid before each House of the Parliament a copy of a form of agreement with carriers about licences.”.

No. 26—Clause 70, page 32, at end of clause, add the following subclause:

“(8) The Minister must cause a copy of each agreement under subsection (1) or (4) to be laid before each House of the Parliament within 15 sitting days of that House after the agreement is made, but failure to do so does not affect the validity of an agreement.”.

No. 27—Clause 71, page 32, at end of clause, add the following subclause:

“(5) An instrument under subsection (3) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

No. 28—Clause 116, page 51, paragraph (1)(b), line 10, omit the paragraph.

No. 29—Clause 117, page 51, subclause (1), line 22, omit “may”, substitute “must”.

No. 30—Clause 117, page 52, subclause (2), lines 1 to 8, omit the subclause, substitute the following subclause:

“(2) Where a regulation in force because of subsection 116(1) entitles a carrier to engage in an exempt activity despite particular laws of a State or Territory, a National Code determined under subsection (1) of this section may, in relation to that exempt activity, make provision in respect of matters in respect of which those laws make provision.”.

No. 31—Clause 117, page 52, subclause (4), line 11, omit “this section”, substitute “subsection (1)”.

No. 32—Clause 117, page 52, at end of clause, add the following subclauses:

“(5) Before determining a National Code under subsection (1), the Minister must:

(a) publish a draft of the Code and invite the public to comment on the draft; and

(b) cause a public inquiry to be held for the purposes of receiving and considering submissions about the draft.

“(6) The Minister may comply with paragraph (5) (b):

(a) by giving to AUSTEL an appropriate direction under paragraph 327(b) to hold a public inquiry under Part 14; or

(b) by arranging for a person, authority or body (other than AUSTEL) to hold a public inquiry.

“(7) Where the Minister arranges under paragraph (6) (b) for a person, authority or body to hold a public inquiry, Part 14 applies in relation to the person, authority or body, in relation to the inquiry, in the same way, as nearly as practicable, as that Part applies in relation to AUSTEL in relation to an inquiry under that Part.”.

No. 33—Clause 118, page 52, subclause (1), lines 14 to 17, omit the subclause, substitute the following subclause:

“(1) This section applies where a regulation in force because of subsection 116(1) entitles a carrier to engage in an exempt activity despite particular laws of a particular State or Territory.”.

No. 34—Clause 118, page 52, subclause (2), line 18, omit “If paragraph (1) (a) applies, the”, substitute “The”.

No. 35—Clause 118, page 52, subclause (3), lines 23 to 25, omit the subclause.

No. 36—Clause 121, page 52, at end of clause, add the following subclause:

“(2) An instrument made by AUSTEL under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

No. 37—Clause 331, page 145, line 13, after “submissions”, add “; protection from civil actions”.

No. 38—Clause 331, page 145, at end of clause, add the following subclause:

“(2) Civil proceedings do not lie against a person in respect of loss, damage or injury of any kind suffered by another person because of the making in good faith of a statement, or the giving in good faith of a document or information, to AUSTEL in connection with a public inquiry under this Part, whether or not the statement is made, or the document or information is given, in connection with a written submission or a public hearing.”.

No. 39—Clause 349, page 151, subclause (1), line 18, omit “\$5,000,000”, substitute “\$10,000,000”.

No. 40—Clause 356, page 152, subclause (1), line 33, omit “\$5,000,000”, substitute “\$10,000,000”.

No. 41—Clause 393, page 164, paragraph (2) (a), before the paragraph, insert the following paragraphs:

“(aa) a copy of each instrument that:

(i) AUSTEL gave to a carrier under subsection 46(1) during the financial year to which the annual report relates; and

(ii) in AUSTEL’s opinion, contains no confidential information; and

(ab) in relation to each instrument that AUSTEL gave as mentioned in subparagraph (aa)(i) and that, in AUSTEL's opinion, contains confidential information:

- (i) if, in AUSTEL's opinion, part of the instrument can be reproduced in the annual report without disclosing confidential information—a copy of that part; and
- (ii) if subparagraph (i) does not apply—a statement specifying the instrument and the carrier to which, and the day on which, it was so given; and
- (iii) a statement that, because of confidential information contained in the instrument, or in a part of it, as the case requires, the instrument or part is not reproduced in the annual report; and
- (iv) a note summarising so much of the instrument as is not so reproduced, but without disclosing any information that, in AUSTEL's opinion, is confidential; and".

No. 42—Clause 399, page 167, after subclause (2), insert the following subclause:

“(2A) When reviewing, and reporting on, the matters referred to in paragraphs (2)(a) and (b), AUSTEL must have regard to the performance standards it has developed under paragraph 38 (2) (b).”.

On the motion of Mr Beazley (Minister for Transport and Communications), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

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

22 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1991: The following message from the Senate was reported:

Message No. 228

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to enact transitional provisions, and to repeal some Acts and amend others, because of the enactment of the 'Telecommunications Act 1991', the 'Australian and Overseas Telecommunications Corporation Act 1991' and associated Acts*”, and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 18 June 1991 a.m.

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

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Schedule 1, page 12, proposed amendment to subsection 85ZK(2) of the *Crimes Act 1914*, omit the amendment, substitute the following amendments:

“Subsection 85ZK (2):

Omit ‘section 114 of the *Telecommunications Act 1989*’, substitute ‘section 253 of the *Telecommunications Act 1991*’.

Subsection 85ZKA(1):

- (a) Omit 'Telecom,' (first occurring), substitute 'a carrier,'.
- (b) Omit 'supplied by Telecom,', substitute 'each of which is supplied by a carrier,'.

Paragraph 85ZKA (2) (a):

Omit 'section 114 of the *Telecommunications Act 1989*', substitute 'section 253 of the *Telecommunications Act 1991*'.".

On the motion of Mr Beazley (Minister for Transport and Communications), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

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

23 MESSAGE FROM THE SENATE—AUSTRALIAN AND OVERSEAS TELECOMMUNICATIONS CORPORATION BILL 1991: The following message from the Senate was reported:

Message No. 233

Mr Speaker,

The Senate returns to the House of Representatives the bill for "An Act to provide for Australian and Overseas Telecommunications Corporation Limited to take over the undertakings and assets of Telecom and OTC, 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, 18 June 1991 a.m.

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—Clause 3, page 2, definition of "authorised person", paragraph (b), lines 12 and 13, omit the paragraph, substitute the following paragraph:

"(b) a person who:

- (i) is authorised by the Minister, in writing, for the purposes of the provision in which the expression is used; and
- (ii) when the authorisation was given, was, in the Minister's opinion, suitably qualified, because of the person's abilities and experience, to perform the functions of an authorised person within the meaning of that provision;".

No. 2—Clause 9, page 6, after subclause (7), add the following subclause:

"(8) The Minister must cause a copy of the memorandum of association and articles of association of AOTC to be laid before each House of the Parliament within 15 sitting days of that House after the later of:

- (a) the commencement of this section; or
- (b) the incorporation of AOTC.".

No. 3—After clause 11, page 6, insert the following clause:

Determination of AOTC's initial capital

"11A. (1) The Minister shall, as soon as practicable after the commencement of this Act and after consultation with the Board, determine the amount of AOTC's initial capital under this Act.

“(2) In making this determination, the Minister shall have regard to any relevant advice that the Board has given to the Minister.

“(3) A determination made under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

No. 4—After clause 11, page 6, insert the following clause:

Merger fee not to be charged

“11B. No fee, payment or consideration shall be paid or payable by Telecom, OTC or AOTC to the Government as a result of or in connection with the merger of Telecom and OTC to create AOTC.”.

No. 5—Clause 24, page 10, line 35, omit “, or the regulations otherwise provide”.

No. 6—Clause 27, page 11, line 37, omit “or the regulations”.

No. 7—Clause 30, page 12, lines 6 to 9, omit the clause.

On the motion of Mr Beazley (Minister for Transport and Communications), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr L. J. Scott reported accordingly.

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

24 MESSAGE FROM THE SENATE—EDUCATION SERVICES (EXPORT REGULATION) BILL 1990:

The following message from the Senate was reported:

Message No. 234

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to regulate the export of education services and training, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 18 June 1991

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—Clause 1, page 1, omit “*Education Services (Export Regulation) Act 1990*”, substitute “*Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991*”.

No. 2—Clause 3, page 2, after definition of “**approved provider**”, insert the following definition:

“**bank**” means a bank as defined by the *Banking Act 1959*;.

No. 3—Clause 3, page 2, definition of “**provider**”, line 32, omit “provides courses”, substitute “provides or seeks to provide courses to overseas students”.

No. 4—Clause 3, page 2, after definition of “**Secretary**”, insert the following definition:

“**special account**” means a separate account for the holding of funds in trust;.

No. 5—Clause 4, page 3, at end of clause, add the following subclauses:

“(2) Subsection (1) does not apply to a matter to the extent that a law of a State applies to that matter.

“(3) It is a defence to a prosecution for an offence against paragraph (1)(d) in relation to a course if the defendant proves that:

- (a) the conduct in question was only for either or both of the following purposes:
 - (i) carrying out surveys and other investigations to assess the demand for the course; or
 - (ii) negotiating with another institution, body or person in connection with designing or developing the course; and
- (b) the defendant took reasonable steps to ensure that:
 - (i) overseas students who were, or might become, interested in undertaking the course; and
 - (ii) any institution, body or person who might assist in providing the course; were aware that the defendant was not a registered provider in respect of the course as required by subsection (1); and
- (c) the defendant neither invited nor accepted any amount in respect of the course from overseas students or intending overseas students, or from their agents.”.

No. 6—Clause 6, page 3, paragraph (1)(a), line 37, omit “designated as a trust account”, substitute “a special account”.

No. 7—Clause 6, page 3, paragraph (1)(c), line 42, omit “trust account”, substitute “special account”.

No. 8—Clause 6, page 4, after subclause (2), insert the following subclause:

“(2A) The regulations may make provision for or in relation to the exemption of a specified provider or a specified class of providers from the requirements of subsection (1).”.

No. 9—Clause 7, page 5, lines 5 to 9, omit the clause, substitute the following clause:

“7. (1) A provider must make and maintain such arrangements which will ensure that the provider can at all times comply with the requirements of subsection 6 (4).

“(2) The provider will make available to the Secretary details of those arrangements.

“(3) The regulations may make provision for or in relation to the exemption of a specified provider or a specified class of providers from the requirements of subsection (1).”.

No. 10—Clause 8, page 5, subclause (1), lines 11 and 12, omit the subclause.

No. 11—Clause 8, page 5, subclause (2), line 13, omit “each quarter”, substitute “the conclusion of each financial year”.

No. 12—Clause 8, page 5, subclause (2), line 14, omit “trust account”, substitute “special account”.

No. 13—Clause 8, page 5, paragraph (2)(c), lines 24 to 26, omit “quarter” (twice occurring), substitute “financial year”.

No. 14—Clause 8, page 5, after subclause (2), insert the following subclause:

“(2A) If the Minister forms a reasonable belief that a registered provider may have:

- (a) failed to comply with the requirements of subsection (2);
- (b) failed to comply with the requirements of section 6; or
- (c) provided an annual return which contains misleading or deceptive information;

the Minister may, by written notice given to a provider, require the provider to give the Minister such further information as the Minister specifies.”.

No. 15—Clause 8, page 5, subclause (3), line 33, omit “quarter or particular quarters”, substitute “year or particular years”.

No. 16—Clause 8, page 5, subclause (4), lines 36 to 42, omit the subclause.

No. 17—After clause 8, page 5, insert the following clause:

Suspension of sections 6, 7 and 8 in a State

“8A. (1) The Governor-General may, by Proclamation, suspend the operation of sections 6, 7 and 8 in a State if, and so long as, the Governor-General is satisfied that arrangements in effect in that State are sufficient to achieve the purposes of those sections.

“(2) If:

- (a) while sections 6, 7 and 8 are suspended in a State, a registered provider fails to comply with a requirement of those arrangements; and
- (b) the provider is registered in respect of a State in which sections 6, 7 and 8 apply;

then, for the purposes of suspending the registration in respect of the second-mentioned State, subsection 9(1) applies as if the failure to comply with that requirement were a failure to comply with a requirement of section 6, 7 or 8.

“(3) If sections 6, 7 and 8 are suspended in a State, section 9 does not empower the Minister to suspend the registration of a provider in respect of that State, wherever the failure in question occurs.”.

No. 18—Clause 9, page 6, subclause (1), line 2, omit “is of the opinion”, substitute “forms a reasonable belief”.

No. 19—Clause 9, page 6, subclause (1), line 5, omit “may”, substitute “must”.

No. 20—Clause 9, page 6, subclause (2), line 15, omit “may”, substitute “must”.

No. 21—Clause 10, page 6, at end of clause, add the following subclause:

“(2) Where the suspension of the approval under the law of the State is removed, the registration under this Act is restored.”.

No. 22—Clause 11, page 6, subclause (1), line 37, omit “may”, substitute “must”.

No. 23—Clause 11, page 7, subclause (2), line 3, omit “may”, substitute “must”.

No. 24—Clause 12, page 7, at end of clause, add the following subclause:

“(3) If:

- (a) a provider is registered in respect of a course in respect of a State; and
- (b) the approval of the provider in respect of the course is withdrawn by the designated authority of the State;

the registration of the provider in respect of the course in respect of the State is cancelled by force of this subsection.”.

No. 25—After clause 18, page 9, add the following clause:

Cessation of operation of Act

“19. This Act, unless sooner repealed, shall cease to be in force on 1 January 1994.”.

On the motion of Mr Simmons (Minister for the Arts, Tourism and Territories), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly.

On the motion of Mr Tickner (Minister for Aboriginal Affairs), the House adopted the report.

25 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 2) 1991: The following message from the Senate was reported:

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law relating to taxation*”, 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, 18 June 1991

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—Clause 25, page 33, paragraph (d), proposed subparagraph 26BC(3)(c)(iii), lines 26 to 30, omit the subparagraph, substitute the following subparagraph:

“(iii) if the borrowed security is a right or option:

- (A) the giving of a direction by the lender to the borrower to exercise the right or option; or
- (B) the giving of a direction by the lender to the borrower to exercise an identical right or option;”.

No. 2—Clause 25, page 34, paragraph (d), proposed subparagraph 26BC(3)(c)(vi), lines 4 to 15, omit the subparagraph, substitute the following subparagraph:

“(vi) if subparagraph (iii) applies:

- (A) the shares, units, bonds, debentures or financial instruments that resulted from exercising the right or option; or
- (B) shares, units, bonds, debentures or financial instruments that are identical to those that resulted from, or that would have resulted from, exercising the right or option; or
- (C) a payment (in this section also called the ‘compensatory payment’) equal to the value to the lender of the shares, units, bonds, debentures or financial instruments that resulted from, or would have resulted from, exercising the right or option; and”.

No. 3—Clause 25, page 34, after paragraph (d), insert the following paragraph:

“(da) by inserting after subsection (3) the following subsection:

‘(3A) For the purposes of paragraph (3)(c), if, apart from this subsection, either of the following events occurred after the commencement of the borrowing period:

- (a) the making or payment of a distribution (whether in property or money) in respect of the borrowed security;
- (b) the issue, by the company, trustee, government or government authority concerned, of a right or option in respect of the borrowed security;

(even if the event occurred after the borrowed security was disposed of by the borrower to a third party), the event is taken to have occurred during the borrowing period if, and only if, (assuming that the borrower had held the borrowed security at all times during the borrowing period) the entitlement to the distribution or issue would have been attributable to the borrower’s holding of the borrowed security at a particular time during the borrowing period.”.

No. 4—Clause 25, page 35, after paragraph (f), insert the following paragraph:

“(fa) by omitting subsection (7) and substituting the following subsection:

“(7) If, in the case of a borrowed security to which paragraph (6)(b) applies, the replacement security was disposed of by the lender (otherwise than under a transaction covered by subsection (3)):

- (a) if the disposal of the replacement security occurred within 12 months after the earliest day on which a paired security in relation to the replacement security was acquired by the lender (otherwise than under a transaction covered by subsection (3))—the reference in paragraph (6)(b) to the indexed cost base to the lender of the borrowed security is to be read as a reference to the cost base to the lender of the paired security; or
- (b) if the disposal of the replacement security occurred not less than 12 months after the earliest day on which a paired security in relation to the replacement security was acquired by the lender (otherwise than under a transaction covered by subsection (3))—subsection 160Z(3) does not apply to the disposal of the replacement security.”;

No. 5—Clause 25, page 35, paragraph (g), proposed subsection 26BC (9B), line 13, omit “acquired”, substitute “received”.

No. 6—Clause 25, pages 35 and 36, paragraph (g), proposed subsections 26BC (9C), (9D) and (9E), line 18 (page 35) to line 35 (page 36), omit the subsections, substitute the following subsections:

“(9C) For the purposes of the application of Part IIIA to a share, unit, bond, debenture or financial instrument received by the lender as mentioned in subparagraph (3)(c)(vi), the borrower and the lender are to be treated as if:

- (a) the share, unit, bond, debenture or financial instrument had been received as the result of the exercise of the borrowed security; and
- (b) the borrowed security had been held by the lender at the time of the exercise; and
- (c) the lender had exercised the borrowed security; and
- (d) the lender had exercised the borrowed security at the time the direction concerned was given; and
- (e) the amount of the contribution (if any) made by the lender to the borrower in respect of the carrying out of the direction were an amount paid as consideration by the lender in respect of the exercise.

“(9D) If a distribution covered by subparagraph (3)(c)(i) consists of one or more shares issued by a company to the borrower or to a third party in the circumstances mentioned in subsection 6BA(1), then, for the purposes of the application of Part IIIA to a share (in this subsection called the “notional bonus share”) received by the lender in relation to the distribution in the circumstances mentioned in sub subparagraph (3)(c)(iv)(A) or (B), the borrower and the lender are to be treated as if:

- (a) the company had issued the notional bonus share to the lender instead of the borrower or the third party, as the case requires; and
- (b) the notional bonus share had been issued in the circumstances mentioned in subsection 6BA(1); and
- (c) the notional bonus share had been issued in respect of the borrowed security; and
- (d) the lender had held the borrowed security at the time the notional bonus share was issued.

“(9E) If a distribution covered by subparagraph (3)(c)(i) consists of one or more units issued by the trustee of a unit trust to the borrower

or to a third party in the circumstances covered by section 160ZYC, then, for the purposes of the application of Part IIIA to a unit (in this subsection called the “**notional bonus unit**”) received by the lender in relation to the distribution in the circumstances mentioned in subparagraph (3) (c) (iv) (A) or (B), the borrower and the lender are to be treated as if:

- (a) the trustee had issued the notional bonus unit to the lender instead of the borrower or the third party, as the case requires; and
- (b) the notional bonus unit had been issued in the circumstances covered by section 160ZYC; and
- (c) the notional bonus unit had been issued in respect of the borrowed security; and
- (d) the lender had held the borrowed security at the time the notional bonus unit was issued.”.

No. 7—Clause 30, page 40, paragraph (a), proposed paragraph 75D (1B) (e), lines 1 and 2, omit all words from “whole” to “land”, substitute “land management plan in respect of the whole or part of the subject land”.

No. 8—Clause 30, page 40, paragraph (g), proposed subsection 75D (14), line 26, omit “whole farm”, substitute “land management”.

No. 9—Clause 30, page 40, paragraph (g), proposed subsection 75D (14), line 27, omit “whole farm”, substitute “land management”.

No. 10—Clause 30, page 40, paragraph (g), proposed paragraph 75D (14) (b), line 37, omit “whole farm”, substitute “land management”.

No. 11—Clause 30, page 41, paragraph (g), proposed subsection 75D (19), definition of “**whole farm plan**”, line 20, omit “whole farm”, substitute “land management”.

No. 12—Clause 52, page 57, paragraph (2) (c), after proposed definition of “**borrower**”, insert the following definition:

“**borrowing period**”, in relation to a securities lending arrangement, has the meaning given by subsection 26BC (3);”.

No. 13—Clause 53, page 57, proposed section 160AQUA, lines 16 to 42, omit the section, substitute the following section:

Transfer of shareholder status for tax purposes—cum-dividend stock exchange sales and securities lending arrangements

“160AQUA. (1) If:

- (a) a franked dividend is paid to a shareholder in a company (in this section called the “**first shareholder**”) in respect of a share in the company (including a dividend that is taken to be paid as a result of one or more previous applications of this section); and
- (b) either of the following conditions is satisfied:
 - (i) at the dividend closing time, the first shareholder was under an obligation to transfer the share to another taxpayer (in this section called the “**transferee**”) under a contract for the sale of the share where:
 - (A) the contract is of the kind known as a “cum-dividend” contract; and
 - (B) the contract was entered into in the ordinary course of trading on a stock exchange in Australia or elsewhere;
 - (ii) all of the following conditions are satisfied:
 - (A) at the time the dividend was paid, the first shareholder was under an obligation to pay the dividend to the lender under a securities lending arrangement;
 - (B) the obligation was incurred in the first shareholder’s capacity as the borrower under the securities lending arrangement;
 - (C) the dividend closing time occurred during the borrowing period;

then, for the purposes of Subdivision D of Division 2 of Part III and of this Part (other than Divisions 4 and 5 and sections 160AQCB and 160ARX), the dividend is taken to be a dividend paid to the transferee or the lender, as the case may be, as a shareholder in the company instead of to the first shareholder.

‘(2) For the purposes of this section, if dividends are paid to those taxpayers who were shareholders as at a particular time at or before the payment, that time is the dividend closing time in relation to those dividends.”.

No. 14—Clause 53, page 58, proposed paragraph 160AQUB (a), line 5, omit “160AQUA (b) (i)”, substitute “160AQUA (1) (b) (i) (whether the application is the sole or final application or an earlier application of that section)”.

No. 15—Clause 53, page 58, proposed paragraph 160AQUC (a), line 16, omit “160AQUA (b) (i)”, substitute “160AQUA (1) (b) (i) (whether the application is the sole or final application or an earlier application of that section)”.

No. 16—Clause 53, page 58, proposed section 160AQUD, line 26, omit “160AQUA (b) (ii)”, substitute “160AQUA (1) (b) (ii) (whether the application is the sole or final application or an earlier application of that section)”.

No. 17—Clause 83, page 72, subclause (13), lines 14 to 16, omit the subclause, substitute the following subclause:

“(13) The amendments made by section 53 apply to dividends where the dividend closing time is on or after:

- (a) if the date of commencement of this subsection is before 1 August 1991—1 August 1991; or
- (b) if the date of commencement of this subsection is on or after 1 August 1991—the first day of the month next following the month in which the date of commencement of this subsection occurs.”.

On the motion of Mr Tickner (Minister for Aboriginal Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly.

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

26 MESSAGE FROM THE SENATE—GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 245

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the Great Barrier Reef Marine Park Act 1975, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 19 June 1991

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—Clause 10, page 7, proposed subsection 59H(2), lines 14 and 15, omit the subsection.

No. 2—Clause 10, page 7, proposed section 59H, at end of section, add the following subsection:

“(4) Any defence established under subsection (1) or (3) need only be established on the balance of probabilities.”

On the motion of Mr Tickner (Minister for Aboriginal Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly.

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

27 MESSAGE FROM THE SENATE—INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 246

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Commonwealth Employees’ Rehabilitation and Compensation Act 1988’ and the ‘Remuneration Tribunal Act 1973’, 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, 19 June 1991

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—Clause 4, page 3, at end of clause, add the following subclause:

“(3) Section 4 of the Principal Act is amended by adding at the end of the definition of “employee” the following:

‘, and also applies to persons 65 years of age or older.’.”.

No. 2—After clause 8, page 4, insert the following clause:

Appointment of members

“8A. Section 76 of the Principal Act is amended by omitting subsection (3).”.

On the motion of Mr Tickner (Minister for Aboriginal Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly.

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

28 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 2) 1991: The following message from the Senate was reported:

Message No. 247

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Social Security Act 1991’ and other laws relating to social welfare, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 19 June 1991

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—Clause 2, page 2, subclause (5), line 5, omit “Part 5 is”, substitute “Parts 5 and 6 are”.

No. 2—After clause 19, page 6, insert the following clause:

“19A. Section 1237 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

“(4) A determination made under subsection (3) giving, revoking or varying directions is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”.

No. 3—Clause 41, page 15, line 3, omit “paragraph” (first occurring), substitute “paragraphs”.

No. 4—Clause 41, page 15, proposed paragraph (aaa), at end of paragraph, add the following paragraph:

“(aab) a person:

(i) to whom paragraph (a) applied at any time after 21 August 1990 and before 28 March 1991; and

(ii) to whom the paragraph would continue to apply but for the person having invested the person’s available money (within the meaning of section 4D of the *Social Security Act 1947*), or reinvested the person’s deposit money (within the meaning of that section), in:

(A) an account with a financial institution; or

(B) a loan, including a loan by way of debentures, bonds or other securities; or

(C) an accruing return investment; or

(D) a market-linked investment; or

(E) an immediate annuity; or

(F) shares;

(within the meaning of the Principal Act) in anticipation of, or because of, that section or Division 1A of Part 3.10 of the *Social Security Act 1991*.”.

No. 5—After clause 41, page 15, add the following Part:

**“PART 6—AMENDMENT OF THE SOCIAL SECURITY
LEGISLATION AMENDMENT ACT 1990**

Principal Act

“42. In this Part, ‘Principal Act’ means the *Social Security Legislation Amendment Act 1990*.

Income from certain money

“43. Section 9 of the Principal Act is amended by inserting after subsection (2) the following subsection:

‘(3) Where a person:

- (a) was not a prescribed person within the meaning of section 251A of the Principal Act at any time after 21 August 1990 and before 28 March 1991; and
- (b) would have been a prescribed person on that day but for the person having invested the person’s available money (within the meaning of section 4D of the Principal Act), or reinvested the person’s deposit money (within the meaning of section 4D of the Principal Act), in:

 - (i) an account with a financial institution; or
 - (ii) a loan, including a loan by way of debentures, bonds or other securities; or
 - (iii) an accruing return investment; or
 - (iv) a market-linked investment; or
 - (v) an immediate annuity; or
 - (vi) shares;

(within the meaning of the Principal Act) in anticipation of, or because of, the amendments made by subsection (1);

then for the purposes of this Act and other laws of the Commonwealth, the person does not become a prescribed person until he or she would have become so if the amendments had not been made.”.

On the motion of Mr Tickner (Minister for Aboriginal Affairs), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly.

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

29 MESSAGE FROM THE SENATE—SOCIAL SECURITY (REWRITE) AMENDMENT BILL 1991: The following message from the Senate was reported:

Message No. 248

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Social Security Act 1991’, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

KERRY SIBRAA
President

The Senate,

Canberra, 19 June 1991

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

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Schedule 1, page 158, addition at end of Schedule 1A to the *Social Security Act 1991*, proposed section 32, at end of section, add the following subsection:

“(2) If a person:

- (a) was not a prescribed person within the meaning of section 251A of the 1947 Act at any time after 21 August 1990 and before 28 March 1991; and

(b) would have been a prescribed person on that day but for the person having invested the person's available money (within the meaning of section 4D of the 1947 Act), or reinvested the person's deposit money (within the meaning of section 4D of the 1947 Act), in:

- (i) an account with a financial institution; or
- (ii) a loan, including a loan by way of debentures, bonds or other securities; or
- (iii) an accruing return investment; or
- (iv) a market-linked investment; or
- (v) an immediate annuity; or
- (vi) shares;

(within the meaning of the 1947 Act) in anticipation of, or because of, the amendments made by subsection 9(1) of the *Social Security Legislation Amendment Act 1990* (interest attributed to money not invested or invested at a low rate of interest);

then, for the purposes of this Act and other laws of the Commonwealth, the person is to be taken to be qualified for fringe benefits under a Division of this Act if:

- (c) the person would not, at any time between 28 February and 1 July 1991, have become a prescribed person within the meaning of the 1947 Act if the amendments referred to in paragraph (b) had not been made; and
- (d) the person would not, at any time after 30 June 1991, cease to be qualified for fringe benefits under a Division of this Act if this Act did not contain Division 1A of Part 3.10.'".

On the motion of Mr Tickner (Minister for Aboriginal Affairs), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Hollis reported accordingly.

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

30 POSTPONEMENT OF ORDER OF THE DAY: Ordered—That order of the day No. 2, government business, be postponed until the next sitting.

31 WILDLIFE PROTECTION (REGULATION OF EXPORTS AND IMPORTS) AMENDMENT BILL 1990: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

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

32 MESSAGE FROM THE SENATE—WOOL TAX (NOS. 1 TO 5) AMENDMENT BILLS 1991: The following message from the Senate was reported:

Message No. 244

Mr Speaker,

The Senate returns to the House of Representatives the bills for:

“An Act to amend the ‘Wool Tax Act (No. 1) 1964’ and the ‘Wool Tax (No. 1) Further Amendment Act 1990’;

“An Act to amend the ‘Wool Tax Act (No. 2) 1964’ and the ‘Wool Tax (No. 2) Further Amendment Act 1990’;

“An Act to amend the ‘Wool Tax Act (No. 3) 1964’ and the ‘Wool Tax (No. 3) Further Amendment Act 1990’;

An Act to amend the 'Wool Tax Act (No. 4) 1964' and the 'Wool Tax (No. 4) Further Amendment Act 1990',

An Act to amend the 'Wool Tax Act (No. 5) 1964' and the 'Wool Tax (No. 5) Further Amendment Act 1990',

and requests the House to amend each bill as indicated by the annexed schedule.

KERRY SIBRAA
President

The Senate,

Canberra, 19 June 1991 a.m.

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

In the committee

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN AMENDMENT TO
EACH BILL

Clause 4, page 2, paragraph (b), omit "15%", substitute "10%".

Mr Crean (Minister for Primary Industries and Energy) moved—That the requested amendments be not made.

Debate ensued.

Mr Tuckey rising to address the committee—

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

Question—That the question be now put—put.

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

AYES, 69

Mr Baldwin	Mr R. F. Edwards	Mr Johns	Mr Sawford
Mr Beazley	Mr Elliott	Mr Jones	Mr Scholes
Mr Beddall	Mr Ferguson	Mr Keating	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mr Kelly	Mr J. L. Scott
Dr Blewett	Mr Free	Mr Kerin	Mr L. J. Scott
Mr Brereton	Mr Gayler	Mr Kerr	Mr Simmons
Mr R. J. Brown	Mr Gear*	Mr Langmore	Mr Snow
Mr Campbell	Mr Gibson	Mr Lee	Mr Snowdon
Dr Catley	Mr Gorman	Mr Lindsay	Mr Staples
Dr Charlesworth	Mr Grace*	Ms McHugh	Dr Theophanous
Mr Courtice	Mr Griffiths	Mr Melham	Mr Tickner
Ms Crawford	Mr Hand	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Holding	Mr P. F. Morris	Mr West
Mrs Crosio	Mr Hollis	Mr Newell	Mr H. F. Woods
Mr Dawkins	Mr Howe	Mr O'Keefe	Mr Wright
Mr Dubois	Mr Humphreys	Mr O'Neil	
Mr Duffy	Mrs Jakobsen	Mr Price	
Mr Duncan	Mr Jenkins	Mr Punch	

NOES, 61

Mr Aldred	Mr Connolly	Mr Jull	Mr Ruddock
Mr Anderson	Mr Cowan	Dr Kemp	Mr B. C. Scott
Mr J. N. Andrew*	Mr Dobie	Mr Lloyd	Mr Sharp
Mr K. J. Andrews	Mr Downer	Mr McArthur	Mr Sinclair
Mr Atkinson	Dr H. R. Edwards	Mr McGauran	Mr Smith
Mrs Bailey	Mr Fife	Mr Mack	Mr Somlyay
Mr Beale	Mr Filing	Mr MacKellar	Mrs Sullivan
Mr Bradford	Mr T. A. Fischer	Mr Miles	Mr Taylor
Mr Broadbent	Mr P. S. Fisher	Mr Moore	Mr Truss
Mr Burr	Mr Ford	Mr Nugent	Mr Tuckey
Mr Cadman	Mrs Gallus	Mr Peacock	Mr Webster
Mr Cameron	Mr Goodluck	Mr Prosser	Mr Wilson
Mr Carlton	Mr Hall	Mr Reid	Dr Wooldridge
Mr Chaney	Mr Halverson	Mr Reith	
Mr Charles	Mr Hawker	Mr Rocher	
Mr Cobb	Mr Hicks*	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

And the question—That the requested amendments be not made—being accordingly put—

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

AYES, 70

Mr Baldwin	Mr R. F. Edwards	Mr Johns	Mr Punch
Mr Beazley	Mr Elliott	Mr Jones	Mr Sawford
Mr Beddall	Mr Ferguson	Mr Keating	Mr Scholes
Mr Bevis	Mr Fitzgibbon	Mrs Kelly	Mr Sciacca
Dr Blewett	Mr Free	Mr Kerin	Mr J. L. Scott
Mr Brereton	Mr Gayler	Mr Kerr	Mr L. J. Scott
Mr R. J. Brown	Mr Gear*	Mr Langmore	Mr Simmons
Mr Campbell	Mr Gibson	Mr Lee	Mr Snow
Dr Catley	Mr Gorman	Mr Lindsay	Mr Snowdon
Dr Charlesworth	Mr Grace*	Ms McHugh	Mr Staples
Mr Courtice	Mr Griffiths	Mr Mack	Dr Theophanous
Ms Crawford	Mr Hand	Mr Melham	Mr Tickner
Mr Crean	Mr Holding	Mr A. A. Morris	Mr Walker
Mrs Crosio	Mr Hollis	Mr P. F. Morris	Mr West
Mr Dawkins	Mr Howe	Mr Newell	Mr H. F. Woods
Mr Dubois	Mr Humphreys	Mr O'Keefe	Mr Wright
Mr Duffy	Mrs Jakobsen	Mr O'Neil	
Mr Duncan	Mr Jenkins	Mr Price	

NOES, 60

Mr Aldred	Mr Cobb	Mr Hawker	Mr Rocher
Mr Anderson	Mr Connolly	Mr Hicks*	Mr Ronaldson
Mr J. N. Andrew*	Mr Cowan	Mr Jull	Mr Ruddock
Mr K. J. Andrews	Mr Dobie	Dr Kemp	Mr B. C. Scott
Mr Atkinson	Mr Downer	Mr Lloyd	Mr Sharp
Mrs Bailey	Dr H. R. Edwards	Mr McArthur	Mr Sinclair
Mr Beale	Mr Fife	Mr McGauran	Mr Smith
Mr Bradford	Mr Filing	Mr MacKellar	Mr Somlyay
Mr Broadbent	Mr T. A. Fischer	Mr Miles	Mrs Sullivan
Mr Burr	Mr P. S. Fisher	Mr Moore	Mr Taylor
Mr Cadman	Mr Ford	Mr Nugent	Mr Truss
Mr Cameron	Mrs Gallus	Mr Peacock	Mr Tuckey
Mr Carlton	Mr Goodluck	Mr Prosser	Mr Webster
Mr Chaney	Mr Hall	Mr Reid	Mr Wilson
Mr Charles	Mr Halverson	Mr Reith	Dr Wooldridge

* Tellers

And so it was resolved in the affirmative.

Resolution to be reported.

The House resumed; Mr Nehl reported accordingly.
Mr Crean moved—That the report be adopted.

Mr P. S. Fisher rising to address the House—

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

Question—That the question be now put—put.

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

AYES, 68

Mr Baldwin	Mr Duncan	Mrs Jakobsen	Mr Price
Mr Beazley	Mr R. F. Edwards	Mr Johns	Mr Punch
Mr Beddall	Mr Elliott	Mr Jones	Mr Sawford
Mr Bevis	Mr Ferguson	Mr Keating	Mr Scholes
Dr Blewett	Mr Fitzgibbon	Mrs Kelly	Mr Sciacca
Mr Brereton	Mr Free	Mr Kerin	Mr J. L. Scott
Mr R. J. Brown	Mr Gayler	Mr Kerr	Mr L. J. Scott
Mr Campbell	Mr Gear*	Mr Langmore	Mr Simmons
Dr Catley	Mr Gibson	Mr Lee	Mr Snow
Dr Charlesworth	Mr Gorman	Mr Lindsay	Mr Snowdon
Mr Courtice	Mr Grace*	Ms McHugh	Mr Staples
Ms Crawford	Mr Griffiths	Mr Melham	Dr Theophanous
Mr Crean	Mr Hand	Mr A. A. Morris	Mr Tickner
Mrs Crosio	Mr Holding	Mr P. F. Morris	Mr Walker
Mr Dawkins	Mr Hollis	Mr Newell	Mr West
Mr Dubois	Mr Howe	Mr O'Keefe	Mr H. F. Woods
Mr Duffy	Mr Humphreys	Mr O'Neil	Mr Wright

NOES, 62

Mr Aldred	Mr Connolly	Mr Jull	Mr Ronaldson
Mr Anderson	Mr Cowan	Dr Kemp	Mr Ruddock
Mr J. N. Andrew*	Mr Dobie	Mr Lloyd	Mr B. C. Scott
Mr K. J. Andrews	Mr Downer	Mr McArthur	Mr Sharp
Mr Atkinson	Dr H. R. Edwards	Mr McGauran	Mr Sinclair
Mrs Bailey	Mr Fife	Mr Mack	Mr Smith
Mr Beale	Mr Filing	Mr MacKellar	Mr Somlyay
Mr Bradford	Mr T. A. Fischer	Mr Miles	Mrs Sullivan
Mr Broadbent	Mr P. S. Fisher	Mr Moore	Mr Taylor
Mr Burr	Mr Ford	Mr Nehl	Mr Truss
Mr Cadman	Mrs Gallus	Mr Nugent	Mr Tuckey
Mr Cameron	Mr Goodluck	Mr Peacock	Mr Webster
Mr Carlton	Mr Hall	Mr Prosser	Mr Wilson
Mr Chaney	Mr Halverson	Mr Reid	Dr Wooldridge
Mr Charles	Mr Hawker	Mr Reith	
Mr Cobb	Mr Hicks*	Mr Rocher	

* Tellers

And so it was resolved in the affirmative.

And the question—That the report be adopted—being accordingly put—
The House divided (the Deputy Speaker, Mr Jenkins, in the Chair)—

AYES, 69

Mr Baldwin	Mr R. F. Edwards	Mr Jones	Mr Sawford
Mr Beazley	Mr Elliott	Mr Keating	Mr Scholes
Mr Beddall	Mr Ferguson	Mrs Kelly	Mr Sciacca
Mr Bevis	Mr Fitzgibbon	Mr Kerin	Mr J. L. Scott
Dr Blewett	Mr Free	Mr Kerr	Mr L. J. Scott
Mr Brereton	Mr Gayler	Mr Langmore	Mr Simmons
Mr R. J. Brown	Mr Gear*	Mr Lee	Mr Snow
Mr Campbell	Mr Gibson	Mr Lindsay	Mr Snowdon
Dr Catley	Mr Gorman	Ms McHugh	Mr Staples
Dr Charlesworth	Mr Grace*	Mr Mack	Dr Theophanous
Mr Courtice	Mr Griffiths	Mr Melham	Mr Tickner
Ms Crawford	Mr Hand	Mr A. A. Morris	Mr Walker
Mr Crean	Mr Holding	Mr P. F. Morris	Mr West
Mrs Crosio	Mr Hollis	Mr Newell	Mr H. F. Woods
Mr Dawkins	Mr Howe	Mr O'Keefe	Mr Wright
Mr Dubois	Mr Humphreys	Mr O'Neil	
Mr Duffy	Mrs Jakobsen	Mr Price	
Mr Duncan	Mr Johns	Mr Punch	

NOES, 61

Mr Aldred	Mr Connolly	Mr Jull	Mr Ruddock
Mr Anderson	Mr Cowan	Dr Kemp	Mr B. C. Scott
Mr J. N. Andrew*	Mr Dobie	Mr Lloyd	Mr Sharp
Mr K. J. Andrews	Mr Downer	Mr McArthur	Mr Sinclair
Mr Atkinson	Dr H. R. Edwards	Mr McGauran	Mr Smith
Mrs Bailey	Mr Fife	Mr MacKellar	Mr Somlyay
Mr Beale	Mr Filing	Mr Miles	Mrs Sullivan
Mr Bradford	Mr T. A. Fischer	Mr Moore	Mr Taylor
Mr Broadbent	Mr P. S. Fisher	Mr Nehl	Mr Truss
Mr Burr	Mr Ford	Mr Nugent	Mr Tuckey
Mr Cadman	Mrs Gallus	Mr Peacock	Mr Webster
Mr Cameron	Mr Goodluck	Mr Prosser	Mr Wilson
Mr Carlton	Mr Hall	Mr Reid	Dr Wooldridge
Mr Chaney	Mr Halverson	Mr Reith	
Mr Charles	Mr Hawker	Mr Rocher	
Mr Cobb	Mr Hicks*	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

33 WILDLIFE PROTECTION (REGULATION OF EXPORTS AND IMPORTS)

AMENDMENT BILL 1990: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Mr Cobb addressing the House—

34 ADJOURNMENT: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.
Debate ensued.

The House continuing to sit until 11 p.m.—The Speaker adjourned the House until tomorrow at 10 a.m., in accordance with the resolution agreed to this day.

PAPERS: The following papers were deemed to have been presented on 20 June 1991:

Aboriginal Land Rights (Northern Territory) Act—Regulations—Statutory Rules 1991, No. 115.

Air Force Act—Regulations—Statutory Rules 1991, No. 116.

Australian Capital Territory Supreme Court Act—Rules of Court—Statutory Rules 1991, No. 108.

Bankruptcy Act—Rules—Statutory Rules 1991, No. 117.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1991, No. 120.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part 40—Amendment, dated 31 May 1991.

Part 105—Amendments, dated 6 and 28(3) May 1991.

Part 106—Amendments, dated 6 May 1991.

Part 107—Amendments, dated 6 and 28(2) May 1991.

Customs Act—

Instruments of approval—1991—Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.

Regulations—Statutory Rules 1991, Nos. 109, 118.

Defence Act—Determinations under section 58B—1991—

No. 46—Operation Habitat and other allowances.

No. 47—Gulf Allowance—Repeal of Determination.

No. 50—Household maintenance and assistance allowance.

Excise Act—Regulations—Statutory Rules 1991, No. 110.

Export Control Act—Export Control (Orders) Regulations—Orders—1991—No. 1—Livestock Export (Merino) (Amendment).

Family Law Act—Rules of Court—Statutory Rules 1991, No. 122.

Fisheries Act—

Notices—1991—Nos. BSS3, ECC2, ECF1.

Plan of Management—1991—

No. BSS1—Bass Strait Scallop Fishery Preliminary Management Plan.

No. NPF7—Northern Prawn Fishery Management Plan (Amendment).

Fisheries Levy Act—Regulations—Statutory Rules 1991, Nos. 111, 112, 113, 114.

Health Insurance Act—Determinations pursuant to paragraphs—

23DC (2) (c), dated 15 May 1991.

23DF (2) (c), dated 15 May 1991.

Income Tax Assessment Act—Regulations—Statutory Rules 1991, No. 121.

Overseas Students (Refunds) Act—Determination of education institutions under section 4, dated 5 June 1991.

Ozone Protection Act—Notice under subsection 40(3), in relation to exemptions, dated 14 May 1991.

Privacy Act—Public Interest Determinations—Nos. 4, 5.

Public Service Act—Determinations—1991—Nos. 24, 52, 53, 54, 63, 64, 65, 66, 67, 69, 70, 71, 72, 152, 155, 156, 157, 158, 159, 160, 161, 162, 164.

Quarantine Act—Determinations under section 86E—1991—No. 2.

Radiocommunications Act—Regulations—Statutory Rules 1991, No 119.

States Grants (TAFE Assistance) Act—Determinations—Nos. TAFE 16/91, TAFE 17/91, TAFE 18/91.

Superannuation Act 1976—Determinations pursuant to—

Section 133—

Superannuation (CSS) Assets Transfer (Australia Post Superannuation Scheme) No. 1.

Assets Transfer (Telecom Superannuation Scheme) No. 2.

Subsection 134 (4)—

Superannuation (CSS) Employer Component Payment (Australia Post Superannuation Scheme) No. 1.

Superannuation (CSS) Employer Component Payment (Telecom Superannuation Scheme) No. 1.

University of Canberra Act—Statute—No. 8—Staff Superannuation 1991.

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Bilney, Mr Braithwaite, Mr Costello, Mrs Darling, Ms Fatin, Mr Howard, Mr Hulls, Mr Lavarch, Mr McLachlan, Mr Martin, Mr Riggall and Mr Willis.

L. M. BARLIN
Clerk of the House of Representatives