

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 97

FRIDAY, 5 OCTOBER 1984

1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Honourable Dr H. A. Jenkins) took the Chair, and read Prayers.

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

Mr Brumby, Mr Fisher, Mrs Mayer, Mr Peacock and Mr Shipton—from certain citizens praying that the national flag not be changed except by a referendum.

Mr Burr, Mr Cadman, Mr Fife and Mr Ruddock—from certain citizens in similar terms.

Mr D. M. Cameron, Mr Carlton, Dr H. R. Edwards, Mr Ruddock and Mr Shipton—from certain citizens praying that the term of the Costigan Commission be extended, all necessary resources be provided to enable it to conclude its investigations and Parliament not be dissolved until its report has been fully debated by both Houses.

Mr Beazley, Mr Mountford and Mr Ruddock—from certain citizens praying that no further action be taken in respect of territorial or local government in the Australian Capital Territory until the findings of the inquiry into ACT finances have been made public and a further referendum of electors has been held.

Mr D. M. Cameron, Mr Fife and Mr Ruddock—from certain citizens praying that the laws which banned the entry and sale of hard-core and violent pornography be re-enacted.

Mr Shipton—from certain citizens in similar terms to the last preceding petition.

Mr Braithwaite and Mr Fisher—from certain citizens praying that certain action be taken against the importation and distribution of pornographic and obscene materials, and entitlements of de facto spouses of Parliamentarians and homosexual partners of ABC employees.

Mr Blunt and Mr Rocher—from certain citizens praying that the existing national flag remain sacrosanct.

Mrs Darling and Mr Millar—from certain residents of Queensland praying that no action be taken to change the national flag.

Mr Wells—from certain citizens in the same terms as the last preceding petition.

Mr Lusher and Mr Snow—from certain citizens praying that the ordinance superseding the ACT Objectionable Publications Ordinance be disallowed and certain other action be taken in relation to censorship matters.

Mr Blunt—from certain citizens in similar terms to the last preceding petition.

Mr Beazley—from certain citizens praying that aerospace industry unions be consulted before a decision is made on the purchase of helicopters for the Royal Australian Navy.

- Mr Beazley—from certain citizens praying that a parliamentary committee be established to inquire into and report on the effects of pornography.
- Mr Blunt—from certain citizens praying that recurrent expenditure for technical and further education be increased.
- Mr Blunt—from certain citizens praying that proposed assets test legislation be abandoned and that action be taken to institute a retirement income policy which is fair and equitable.
- Mr Braithwaite—from certain citizens praying that moves to change the Australian flag be resisted and any contemplated change be put to the Australian people by referendum.
- Mr Brumby—from certain citizens praying that certain action be taken in funding tertiary education.
- Mr Cadman—from certain citizens praying that chiropractic services be included in Medicare when it is introduced.
- Mr D. M. Cameron—from certain citizens praying that the ACT Classification of Publications Ordinance be repealed.
- Mr Cowan—from certain citizens praying that the Army be directed to re-classify the Taree Open Cadet Unit as an open, community-based, regional cadet unit.
- Mrs Darling—from certain citizens praying that amending legislation be drafted in respect of the ACT Classification of Publications Ordinance.
- Mrs Darling—from certain citizens praying that, when the redeveloped Brisbane Airport becomes operative, no jet aircraft use the crosswind runway and the curfew be maintained from 10 p.m. to 6 a.m.
- Mr Fife—from certain citizens praying that the nation's total dependence on God the Creator in accordance with the Constitution and the standing orders of the House of Representatives be reaffirmed.
- Mr Hollis—from certain citizens praying that the Government negotiate with the ACTU for taxation relief for lower and middle income earners and improvements to the social wage.
- Mr Keogh—from certain citizens praying that consideration be given to legislating to prohibit the importation of certain pornographic materials.
- Mr Lusher—from certain citizens praying that those laws which automatically increase the excise on beer, following an increase in the consumer price index, be repealed.
- Mr Millar—from certain citizens praying that the decision to alter the ACT Classification of Publications Ordinance be abandoned.
- Mr Rocher—from certain citizens praying that the decision to suspend Dr Hood from participation in Medicare be rescinded.
- Mr Rocher—from certain citizens praying that confectionery be exempt from sales tax.
- Mr Staples—from certain citizens praying that there be no increase in State aid to private schools and that the primary obligation to government schools be re-affirmed.
- Mr Steedman—from certain citizens praying that the Omega base in Victoria be closed.

Petitions received.

- 3 MESSAGES FROM THE SENATE:** Messages from the Senate, dated 4 October 1984, were reported—
- (a) returning the National Crime Authority (Status and Rights of Chairman) Bill 1984 without amendment—Message No. 281.
 - (b) concurring in the resolution of the House relating to the powers and proceedings of the Parliamentary Joint Committee on the National Crime Authority—Message No. 282.
- 4 INDUSTRIES ASSISTANCE COMMISSION AMENDMENT BILL 1984:** Mr J. J. Brown (Minister Assisting the Minister for Industry and Commerce), pursuant to notice,

presented a Bill for an Act to amend the *Industries Assistance Commission Act 1973* and for related purposes.

Bill read a first time.

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

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

5 SUSPENSION OF STANDING AND SESSIONAL ORDERS—GENERAL BUSINESS NOTICE:

Mr Young (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 643, general business, being called on forthwith.

Question—put and passed.

6 NURSING HOMES FEES DETERMINATION PRINCIPLES—MOTION FOR DISALLOWANCE: Mr Carlton, pursuant to notice, moved—That the *Nursing Homes Fees Determination Principles 1984*, formulated under sub-section 40AA (7) of the *National Health Act 1953*, be disallowed.

Debate ensued.

Question—put.

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

AYES, 36

Mr Adermann	Mr Coleman	Mr Howard	Mr Porter
Mr Aldred	Mr Connolly	Mr Hunt	Mr Robinson
Mr Andrew	Mr Cowan	Mr Lloyd	Mr Rocher
Mr Braithwaite	Dr H. R. Edwards	Mr Lusher	Mr Ruddock
Mr Burr	Mr Fisher	Mr McArthur	Mr Shipton
Mr Cadman	Mr Goodluck	Mr McGauran*	Mr Sinclair
Mr D. M. Cameron	Mr Groom	Mr MacKellar	Mr Spender
Mr E. C. Cameron*	Mr Hall	Mr McVeigh	Mr Tuckey
Mr Carlton	Mr Hodgman	Mr Macphee	Mr White

NOES, 61

Mr Baldwin	Mr Duffy	Mr Keogh	Mr Saunderson
Mr Beazley	Mr R. F. Edwards	Dr Klugman	Mr Scholes
Mr Beppard	Dr Everingham	Mr Lindsay	Mr Scott*
Mr Bilney	Ms Fatin	Ms McHugh	Mr Simmons
Dr Blewett	Mr Free	Mr McLeay	Mr Snow
Mr Bowen	Mr Gayler	Mr Maher	Mr Staples
Mr J. J. Brown	Mr Gear	Mrs Mayer	Mr Steedman
Mr R. J. Brown	Mr Gorman	Mr Mildren	Mr Tickner
Mr Brumby	Mr Griffiths	Mr Milton	Mr Uren
Mr Campbell	Mr Hand	Mr A. A. Morris	Mr Wells
Dr Charlesworth	Mr Hollis	Mr P. F. Morris	Mr West
Mr Chynoweth	Mr Howe	Mr Morrison	Mr Willis
Mr Cross	Mr Jones	Mr Mountford	Mr Young
Mr Cunningham*	Mr Keating	Mr O'Neil	
Mrs Darling	Mrs Kelly	Mr Punch	
Mr Dawkins	Mr Kent	Mr Reeves	

* Tellers

And so it was negatived.

7 STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 1984: 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.

On the motion of Mr Bowen (Minister representing the Attorney-General), by leave, the following amendments were made together, after debate:

Schedule 1—

Page 15, after “an institution” in proposed paragraph (j) of the definition of “educational institution” in sub-section 10 (1) of the *Copyright Act 1968* insert “, or an undertaking within a body administering an educational institution of a kind referred to in a preceding paragraph of this definition, being an institution or undertaking”.

Page 16, proposed sub-section 10A (6) of the *Copyright Act 1968*, omit “education institution”, substitute “educational institution”.

Page 25, after the amendments to the *Crimes Act 1914*, insert the following amendments of that Act:

“After section 29C—

Insert the following section:

Fraud

‘29D. A person who defrauds the Commonwealth or a public authority under the Commonwealth is guilty of an indictable offence.

Penalty: \$50,000 or imprisonment for 5 years, or both.’.

Paragraph 86 (1) (c)—

Add at the end thereof ‘or’.

Paragraph 86 (1) (d)—

Omit ‘Commonwealth; or’, substitute ‘Commonwealth.’.

Paragraph 86 (1) (e)—

Omit the paragraph.

After section 86—

Insert the following section:

Conspiracy to defraud

‘86A. A person who conspires with another person to defraud the Commonwealth or a public authority under the Commonwealth is guilty of an indictable offence.

Penalty: \$50,000 or imprisonment for 5 years, or both.’.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mrs Child reported accordingly.

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

8 **POSTPONEMENT OF ORDER OF THE DAY:** Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

9 **BASS STRAIT SEA PASSENGER SERVICE AGREEMENT BILL 1984:** 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr P. F. Morris (Minister for Transport), the Bill was read a third time.

10 **MESSAGE FROM THE ADMINISTRATOR—JUDICIAL AND STATUTORY OFFICERS (REMUNERATION AND ALLOWANCES) BILL 1984:** Message No. 193, dated 28 September 1984, from His Excellency the Administrator was announced recommending an appropriation of revenue for the purposes of a new clause to be moved by a Minister upon request by the Senate to a Bill for an Act relating to the remuneration and allowances payable to the holders of certain judicial and statutory offices.

11 MESSAGE FROM THE SENATE—JUDICIAL AND STATUTORY OFFICERS (REMUNERATION AND ALLOWANCES) BILL 1984: The following message from the Senate was reported:

Message No. 280

Mr Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act relating to the remuneration and allowances payable to the holders of certain judicial and statutory offices*", and requests the House to amend the Bill as set forth in the annexed Schedule.

DAVID HAMER
Deputy-President

The Senate,
Canberra, 4 October 1984

Ordered—That the amendment 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

Page 6, after clause 6, insert the following new clause:

Allowance payable to Solicitor-General

"6A. (1) On and after 1 January 1985, there is payable to a person—

- (a) who holds the office of Solicitor-General of the Commonwealth;
- (b) whose principal place of residence was, at the time when the person's appointment, or first appointment, as the case may be, to that office took effect, at a place outside, but not in a part of New South Wales that is adjacent to or in the vicinity of, the Australian Capital Territory; and
- (c) whose headquarters for the purposes of payment of travelling allowance are in the Australian Capital Territory and who, in accordance with a requirement made upon the appointment of the person to that office, has established the person's principal place of residence in the Australian Capital Territory or in a part of New South Wales that is adjacent to or in the vicinity of the Australian Capital Territory,

an allowance at such rate as is determined by the Remuneration Tribunal for the period in which the person maintains the principal place of residence established as mentioned in paragraph (c).

"(2) An allowance payable by virtue of sub-section (1) shall be paid out of the Consolidated Revenue Fund, which is appropriated accordingly."

On the motion of Mr Young (Special Minister of State), the requested amendment was made, after debate.

Resolution to be reported.

The House resumed; Mrs Darling reported accordingly.

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

12 SUSPENSION OF STANDING AND SESSIONAL ORDERS—MOTION WITHOUT NOTICE:

Mr Hawke (Prime Minister) moved—That so much of the standing and sessional orders be suspended as would prevent the Prime Minister moving forthwith a motion congratulating the Australian Mount Everest ascent team.

Question—put and passed, with the concurrence of an absolute majority.

13 MOUNT EVEREST—ASCENT BY AUSTRALIAN TEAM: Mr Hawke (Prime Minister) moved—That this House congratulates the Australian team who successfully completed their ascent of the north face of Mount Everest and commends the dedication, courage and initiative of those involved.

Debate ensued.

Question—put and passed.

- 14 **QUESTIONS:** Questions without notice were asked.
- 15 **GOVERNMENT PURCHASING AND OFFSETS POLICIES IN INDUSTRIAL INNOVATION—REPORT BY AUSTRALIAN SCIENCE AND TECHNOLOGY COUNCIL—MOTION TO TAKE NOTE OF PAPER:** Mr Jones (Minister for Science and Technology) presented the following paper:
 Australian Science and Technology Council Act—Australian Science and Technology Council—Report on government purchasing and offsets policies in industrial innovation, dated 17 August 1984.
 Mr Young (Leader of the House) moved—That the House take note of the paper.
 Debate adjourned (Mr Sinclair—Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.
- 16 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:
 5 October 1984—Message—
 No. 283—Bounty (Agricultural Tractors) Amendment 1984.
 No. 284—Bounty (Tractor Cabs) Amendment 1984.
 No. 285—Bounty (Computers) 1984.
 No. 286—Automatic Data Processing Equipment Bounty Amendment (No. 2) 1984.
 No. 287—Bounty (Electric Motors) 1984.
- 17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ASSETS TEST ON PENSIONERS:**
 Mr Speaker informed the House that Mr Peacock (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Hawke Labor Government’s inequitable assets test on pensioners which continues the Government’s piecemeal attack upon the retirement security of Australians”.
 The proposed discussion having received the necessary support—
 Mr Peacock addressed the House.
 Discussion ensued.
 Discussion concluded.
- 18 **EXPENDITURE—STANDING COMMITTEE—PAPER—STATEMENT BY MEMBER:** Mr McLeay (Chairman) presented the following paper from the Standing Committee on Expenditure:
 Invalidity provisions of the Commonwealth Superannuation Scheme—Information paper, dated 5 October 1984, together with a copy of the minutes of proceedings.
 Mr McLeay, by leave, made a statement in connection with the paper.
- 19 **EXPENDITURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS:**
 Mr McLeay (Chairman) presented the following report from the Standing Committee on Expenditure:
 Aboriginal Development Commission—Interim report on efficiency and effectiveness of expenditure, dated October 1984, incorporating a dissenting report, together with a copy of the minutes of proceedings, the transcript of evidence and submissions authorised for publication.
 Ordered—That the report be printed.
 Mr McLeay, Mr Holding (Minister for Aboriginal Affairs), Mr Tuckey, Mr Porter and Mr Baldwin, by leave, made statements in connection with the report.
- 20 **ADJOURNMENT:** Mr Young (Leader of the House) moved—That the House do now adjourn.
 Question—put and passed.

And then the House, at 4.11 p.m., adjourned until Monday next at 2 p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Blanchard, Mr I. M. D. Cameron, Mr Charles, Mr Cohen, Mr Drummond, Mr Fife, Mr Fry, Mr Hawker, Mr Hayden, Mr Hicks, Mr Humphreys, Mr Hurford, Mr Jacobi, Mr Katter, Mr Kerin, Mr Millar, Mr Moore, Mr Newman, Mr O'Keefe, Dr Theophanous and Mr Wilson.

D. M. BLAKE
Clerk of the House of Representatives