

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 136

MONDAY, 4 SEPTEMBER 1989

- 1 The House met, at 2 p.m., pursuant to adjournment. Mr Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.
- 2 **QUESTIONS:** Questions without notice were asked.
- 3 **ABORIGINAL DEATHS IN CUSTODY—ROYAL COMMISSION—REPORT—PUBLICATION OF PAPER:** Mr Beazley (Leader of the House) presented the following paper:  
 Aboriginal deaths in custody—Royal Commission—Report of inquiry into the death of Darryl Horace Garlett—  
 and, by leave, moved—That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the report of the Royal Commission into Aboriginal deaths in custody of the inquiry into the death of Darryl Horace Garlett.  
 Question—put and passed.
- 4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AIRLINE PILOTS' DISPUTE:**  
 The House was informed that Mr Jull had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The devastation of the Australian tourist industry caused by the pilots' dispute and the Government's responsibility in this action".  
 The proposed discussion having received the necessary support—  
 Mr Jull addressed the House.  
 Discussion ensued.  
 Discussion concluded.
- 5 **APPROPRIATION BILL (NO. 1) 1989-90—BUDGET DEBATE:** 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.
- 6 **POSTPONEMENT OF ORDERS OF THE DAY:** Ordered—That orders of the day Nos. 2 to 9, government business, be postponed until a later hour this day.
- 7 **COMMONWEALTH AND COMMONWEALTH INSTRUMENTALITIES (APPLICATION OF LAWS) BILL 1989:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—  
 Debate resumed.

Question—put and passed—Bill read a second time.  
The House resolved itself into a committee of the whole.

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*In the committee*

Bill, by leave, taken as a whole.

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

Clause 7, page 3, omit the clause, substitute the following clause:

**Servants and agents of the Commonwealth—extent to which bound by State laws**

“7. (1) In this section:

‘modification’ includes:

- (a) the addition or omission of a provision; or
- (b) the substitution of a provision for another provision.

“(2) This section applies to persons (other than Commonwealth corporations) acting:

- (a) in the performance of their duty as servants of the Commonwealth; or
- (b) within the scope of their authority as agents for the Commonwealth.

“(3) Subject to subsection (4), a person to whom this section applies is subject to any written law to which the Commonwealth is subject by virtue of subsection 5 (3) (including such a law as modified by regulations made for the purposes of section 6) to the same extent as the Commonwealth is subject to that law.

“(4) The regulations may provide that a law to which the Commonwealth is subject by virtue of paragraph 5 (3) (c) (including such a law as modified by regulations made for the purposes of section 6) is in its application to:

- (a) persons to whom this section applies; or
- (b) such of those persons as are specified in the regulations;

subject to such modifications as are specified in the regulations.

“(5) The regulations may provide that a written law of a State, being a law to which the Commonwealth is not subject, applies, or applies subject to such modifications as are specified in the regulations:

- (a) to persons to whom this section applies; or
- (b) to such of those persons as are specified in the regulations.”.

Clause 8, page 4, line 7, after “Act” insert “or any law of the relevant Territory”.

Clause 12, page 5, lines 1-10, omit subclauses (2) and (3), substitute the following subclause:

“(2) Where, by virtue of regulations made for the purposes of a provision of section 5 or 7, a law ceases to apply to the Commonwealth or to a person, section 8 of the *Acts Interpretation Act 1901* has effect in relation to the law as if, to the extent that the law so ceases to apply, the law were an Act repealed by another Act.”.

Clause 13, page 5, lines 18-22, omit paragraphs (2) (a) and (b), substitute the following paragraphs:

“(a) by omitting ‘In’ and substituting ‘Subject to this section, in’;

(b) by adding at the end the following subsections:

‘(2) Where the Commonwealth is a party to a suit, subsection (1) does not apply in relation to any rights of a party created by or under a statute to which the Commonwealth is not subject.

‘(3) Where a State is a party to a suit, subsection (1) does not apply in relation to any rights of a party created by or under a statute to which that State is not subject’.”.

*Papers:* Mr Bowen presented the following papers:

Supplementary explanatory memorandum.

Corrigendum to the supplementary explanatory memorandum.

Bill, as amended, agreed to.  
Bill to be reported with amendments.

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The House resumed; Mrs Darling 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 APPROPRIATION BILL (NO. 1) 1989-90—BUDGET DEBATE:** 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.

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**9 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., Mr Speaker adjourned the House until tomorrow at 2 p.m.

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

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for collection of information—1989—

No. 11—Supplementary survey of construction industry 1988-89.

No. 12—Survey of economic activity.

No. 13—Quarterly survey of manufacturing production.

No. 14—New topics to be included as supplements to the labour force survey.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Parts—  
105—Amendments, dated 1, 14 and 18 August 1989.

106—Amendments, dated 1 August 1989.

107—Amendments, dated 1 August 1989.

Defence Act—Determinations under section 58B—1989—

No. 117—Recreation Leave—Micronesia and other allowances.

No. 119—USA—Excess commuting costs.

No. 120—Rates of Travelling Allowance and other allowances.

No. 121—Rates of Travelling Allowance—Fiji and other allowances.

No. 123—War Service Leave.

No. 124—Reimbursement of Expenses on Cancellation of Posting.

No. 125—Charge for Rations and Quarters.

No. 129—Isolated Establishment Allowance.

Motor Vehicle Standards Act—Determinations of Motor Vehicle Standards—  
Orders—1989—Ncs. 1, 2.

Public Service Act—Determinations—1989—Nos. 78, 89, 90, 91, 100, 101, 102, 103, 104, 106, 109, 110, 111, 112, 113, 116, 118, 119.

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Mr Bilney, Mr Braithwaite, Mr Cohen, Dr H. R. Edwards, Mr Gorman, Dr Klugman, Mr Lamb, Mr Millar, Mr Shipton, Mr Uren, Mr White and Dr Woods.

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**A. R. BROWNING**  
Clerk of the House of Representatives