

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 71

FRIDAY, 17 NOVEMBER 1978

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- 1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.
 - 2 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Bowen, Mr FitzPatrick, Mr Keating, Mr Kerin, Dr Klugman and Mr Morris—from certain citizens praying for the replacement of the 1978-79 Budget by a budget which increases the level of economic activity, lowers unemployment, assists the disadvantaged and revives business and consumer confidence.
 - Mr Aldred, Mr Burns and Mr Jarman—from certain citizens praying that the Medical Benefits Schedule be amended to preclude payment of benefits for abortions.
 - Mr Braithwaite, Dr Klugman and Mr McLean—from certain citizens praying for the prohibition of pornographic material involving children.
 - Mr Braithwaite—from certain citizens praying that the imperial system of weights and measures be restored.
 - Mr Fry—from certain secondary school students in the Australian Capital Territory praying that the 1978 staffing formula for schools in the A.C.T. be maintained.
 - Mr Keating—from certain citizens praying for the rejection of any legislation introducing annual adjustments of pension rates.
 - Dr Klugman—from certain citizens praying that proposed changes to Medibank not be implemented and that there be consultation with the trade unions and the community.
 - Mr Simon—from certain staff in Parliament House, Canberra, and others praying that the House will reject the general business motion of the honourable Member for Hume concerning medical benefits for abortion.

Petitions received.
 - 3 QUESTIONS: Questions without notice were asked.
 - 4 PAPERS: The following papers were presented:
 - By command of His Excellency the Governor-General:
 - Department of Immigration and Ethnic Affairs—Review of activities to 30 June 1978.
 - Pursuant to statute:
 - River Murray Waters Act—River Murray Commission—Report for year 1977-78.
 - 5 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:
 - 16 November 1978—Message—
 - No. 152—Appropriation (No. 1) 1978-79 (*without requests*).
 - No. 153—Appropriation (No. 2) 1978-79.
 - 6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HUMAN RIGHTS OF ABORIGINAL AUSTRALIANS: Mr Speaker informed the House that Dr Everingham, Mr E. C. Cameron and Mr Hodgman had each proposed that definite matters of public importance be

submitted to the House for discussion today. In accordance with the provisions of standing order 107, he had given priority to the matter proposed by Dr Everingham, namely, "The failure of the Government to guarantee the basic human rights of Aboriginal Australians".

The proposed discussion having received the necessary support—

Dr Everingham addressed the House.

Discussion ensued.

Discussion concluded.

- 7 AUDIT AMENDMENT BILL 1978—LEGISLATION COMMITTEE: Mr Sinclair (Leader of the House), pursuant to notice, moved—That the legislation committee considering the Audit Amendment Bill 1978 have power to meet during the sitting of the House on Friday, 17 November 1978.
Question—put and passed.
- 8 POSTPONEMENT OF NOTICE: Ordered—That notice No. 2, government business, be postponed until a later hour this day.
- 9 WHEAT INDUSTRY STABILIZATION AMENDMENT BILL 1978: 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 Newman (Minister for National Development), the Bill was read a third time.
- 10 POULTRY INDUSTRY ASSISTANCE AMENDMENT BILL 1978: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—
Debate resumed.
Question—put and passed—Bill read a second time.
Message from the Governor-General: Message No. 99, dated 16 August 1978, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.
Leave granted for third reading to be moved forthwith.
On the motion of Mr Hunt (Minister for Health), the Bill was read a third time.
- 11 NATIONAL HEALTH AMENDMENT BILL (No. 3) 1978: Mr Hunt (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *National Health Act 1953*.
Bill read a first time.
Mr Hunt moved—That the Bill be now read a second time.
Debate adjourned (Mr Uren), and the resumption of the debate made an order of the day for the next sitting.
- 12 LIFE INSURANCE AMENDMENT BILL 1978: 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 Hunt (Minister for Health), the Bill was read a third time.
- 13 QUARANTINE AMENDMENT BILL 1978: 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 Hunt (Minister for Health), the Bill was read a third time.

14 AUDIT AMENDMENT BILL 1978—LEGISLATION COMMITTEE—REPORT: Mr Giles (Chairman) reported that the Audit Amendment Bill 1978 had been considered in legislation committee and agreed to with amendments. (*See Minutes of Proceedings, pages 563 to 570*).

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

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

17 November 1978—Message—

No. 154—Sales Tax Amendment (Nos. 1 to 9) 1978 (*without requests*).

No. 155—States Grants (Capital Assistance) 1978.

No. 156—Bounty (Metal-working Machine Tools) 1978.

No. 157—Bounty (Drilling Machines) Amendment 1978.

No. 158—Metal Working Machine Tools Bounty Amendment 1978.

16 WEIGHTS AND MEASURES (NATIONAL STANDARDS) AMENDMENT BILL 1978: 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 McLeay (Minister representing the Minister for Science), the Bill was read a third time.

17 ADJOURNMENT: Mr McLeay (Minister for Construction) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 4.07 p.m., adjourned until Tuesday next at 2.15 p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Adermann, Mr Bradfield, Mr Braithwaite, Mr Bryant*, Mr C. R. Cameron, Mr Garland, Mr Graham, Mr Groom, Mr Humphreys, Mr Jacobi*, Dr Jenkins, Mr L. K. Johnson, Mr Lucock*, Mr Nixon, Mr O'Keefe, Mr Shipton*, Mr Viner, Mr Wallis and Mr Young.

* On leave

J. A. PETTIFER,
Clerk of the House of Representatives

1978
HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS No. 71

LEGISLATION COMMITTEE
ON
AUDIT AMENDMENT BILL 1978

MINUTES OF PROCEEDINGS

WEDNESDAY, 15 NOVEMBER 1978

(Bill having been read a second time and referred to a legislation committee on the motion of Mr E. L. Robinson (Minister for Finance), for Mr Fife (Minister for Business and Consumer Affairs), on 14 November 1978.)

The Committee was constituted as follows:

Mr Giles had been appointed Chairman.

GOVERNMENT MEMBERS:

Mr E. L. Robinson (Member in charge of the Bill)
Mr Baume
Mr Cairns
Mr Connolly
Mr Dobie
Mr Falconer
Mr Fisher
Mr Katter
Sir William McMahon
Mr McVeigh
Mr Wilson

OPPOSITION MEMBERS:

Mr J. J. Brown
Mr Fry
Mr Martin
Mr Stewart
Mr Willis

The committee met at 8.04 p.m.

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3—

On the motion of Mr Cairns, the following amendment was made, after debate: Page 4, lines 15–25, omit paragraphs (a) and (b) of proposed sub-section (4), substitute the following paragraphs:

- “(a) an examination of the functions performed by, and the operations carried on by, the body or person for the purpose of forming an opinion concerning the extent to which those operations are being carried on in an economical and efficient manner; and
- (b) an examination of the procedures that are followed by the body or person for reviewing operations carried on by the body or person, and an evaluation of the adequacy of those procedures to enable the body or person to assess the extent to which those operations are being carried on in an economical and efficient manner.”.

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5—

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

Page 6, sub-section (1) of proposed section 2AB, before “The Permanent Head” insert “Subject to the lawful authority of the relevant Minister.”.

Page 6, after sub-section (1) of proposed section 2AB insert the following sub-section:

“(1A) The Permanent Head of a Department shall record with the Auditor-General his dissent from a Ministerial decision which he believes is in conflict with the law governing financial administration and the Auditor-General may thereupon take such action as he thinks fit.”.

Page 6, sub-section (2) of proposed section 2AB, omit “ In sub-section (1) ”, substitute “ In this section ”.

Debate continued.

Mr Martin moved—That the clause be postponed.

The committee divided—

AYES, 4
Mr Fry
Mr Martin
Mr Stewart
Mr Willis

NOES, 6
Mr Cairns
Mr Connolly
Mr Katter
Sir William McMahon
Mr McVeigh
Mr Wilson

And so it was negatived.

Amendments negatived.

Clause agreed to.

Clauses 6 to 8, by leave, taken together, and agreed to.

Clause 9—

Mr Willis moved the following amendment: Page 9, after sub-section (4) of proposed section 12 add the following sub-section:

“(5) Where the Auditor-General acts in accordance with sub-section (1) or (2) he shall duly report that action to Parliament’.”.

Debate continued.

Mr Martin moved—That the clause be postponed.

Question—put and negatived.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 4
Mr Fry
Mr Martin
Mr Stewart
Mr Willis

NOES, 6
Mr Baume
Mr Cairns
Mr Connolly
Sir William McMahon
Mr McVeigh
Mr Wilson

And so it was negatived.

Clause agreed to.

Clauses 10 and 11, by leave, taken together, and agreed to.

Clause 12—

On the motion of Mr Connolly, the following amendment was made, after debate: Page 11, at the end of the clause add the following paragraph:

“(f) by adding at the end thereof the following sub-section:

“(5) Sub-section (3) shall not prevent the divulging or communicating of information obtained in pursuance of section 11, 13, 14, 14B, 41 or 48E (being information concerning payments made in accordance with directions given under sub-section 34A (1) or waived under sub-section 70c (2)) to the Joint Committee of Public Accounts.’.”.

Clause, as amended, agreed to.

Clauses 13 to 39, by leave, taken together, and agreed to.

Clause 40—

On the motion of Mr Willis, the following amendment was made, after debate: Page 23, omit sub-section (2) of proposed section 48A.

On the motion of Mr Cairns, the following further amendment was made, after debate: Page 26, line 4, after “Minister” insert “or the Parliament”.

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

Page 28, line 41, omit " may ", substitute " shall ".

Page 29, line 5, omit " may ", substitute " shall ".

Mr Cairns moved the following further amendment: Page 29, line 6, omit " may ", substitute " shall ".

Debate continued.

Amendment negatived.

On the motion of Mr Willis, the following further amendment was made: Page 29, line 40, omit " may ", substitute " shall ".

Mr Willis moved the following further amendment: Page 30, after proposed sub-section (6) insert the following sub-section:

" (6A) Notwithstanding anything in sub-section (6) the Auditor-General shall transmit signed copies of the report to each House of the Parliament as expeditiously as possible and no later than he furnishes copies of the report to the parties mentioned in sub-section (8)."

Debate continued.

Amendment withdrawn, by leave.

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

Page 31, after sub-section (9) of proposed section 48F add the following sub-section:

" (10) A report containing comment reflecting adversely upon the conduct or performance of duties of a Minister, officer, or person liable to be reported upon shall not be published or transmitted to Parliament unless the person the subject of the comment has been afforded a reasonable opportunity to have taken into account and noted in the report his response or a response submitted on his behalf relating to the matters the subject of the comment."

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

Page 36, line 7, omit " may ", substitute " shall ".

Page 36, line 12, omit " may ", substitute " shall ".

Clause, as amended, agreed to.

Clause 41 debated.

Mr Baume moved—That the committee do now adjourn.

Question—put and passed.

The committee adjourned at 10.34 p.m.

A. R. BROWNING,
Clerk to the Committee

1978

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS No. 71

LEGISLATION COMMITTEE

ON

AUDIT AMENDMENT BILL 1978

MINUTES OF PROCEEDINGS

FRIDAY, 17 NOVEMBER 1978

The committee met at 2.15 p.m.

Clause 41 further considered.

On the motion of Sir William McMahon, the clause was omitted, and the following clause substituted, after debate:

“41. Section 49 of the Principal Act is repealed and the following section substituted:

‘49. (1) The Minister shall, as soon as practicable after the expiration of each month of each financial year, publish a Statement of Financial Transactions, in accordance with, or substantially in accordance with, Form 4 in the Schedule, or that form as varied under sub-section (2), containing financial information with respect to—

Minister's
monthly
Statement of
Financial
Transactions

- (a) outlays and receipts of the Commonwealth for that month, and during that year up to the end of that month; and
- (b) financing transactions showing, among other things, the manner in which—
 - (i) the surplus for that month was applied or the deficit for that month was financed; and
 - (ii) the surplus for that year up to the end of that month was applied or the deficit for the year up to the end of that month was financed.

‘(2) Particulars in Form 4 in the Schedule may be varied with the prior approval of both Houses of the Parliament.’”

Clause 42 debated.

On the motion of Sir William McMahon, the following amendment was made, after debate: Page 37, lines 34–37 and page 38, lines 1–5, omit proposed paragraphs (a) and (b), substitute the following paragraphs:

- “(a) the names of the persons to whom payments were made during that financial year, in accordance with directions given under sub-section 34A (1), out of moneys appropriated for the purposes of the Department, the city or suburb in which each of those persons ordinarily resides, and the amount of the payment so made to each of those persons;

- (b) in respect of payments waived during that financial year under sub-section 70c (2), being payments of amounts that the Department would, but for the waivers, have been entitled to receive on behalf of the Commonwealth, the names of the persons who would, but for the waivers, be liable to make those payments, the city or suburb in which each of those persons ordinarily resides, and the amount of the payment waived in the case of each of those persons;”.

Clause, as amended, agreed to.

Clauses 43 to 56, by leave, taken together, and agreed to.

Clause 57—

On the motion of Mr Connolly, the following amendment was made, after debate: Page 52, lines 39 and 40, omit “or by performing any of his duties in a grossly negligent manner”, substitute “, by his inefficiency or incompetence for reasons or causes within his own control or by his negligence or carelessness in the performance of his duties”.

On the motion of Mr Connolly, the following further amendments were made:

Page 53, line 4, omit “negligence or misconduct of an officer”, substitute “misconduct of an officer, inefficiency or incompetence of an officer for reasons or causes within his own control or negligence or carelessness of an officer in the performance of his duties”.

Page 53, lines 16 and 17, omit “or by performing any of his duties in a grossly negligent manner”, substitute “, his inefficiency or incompetence for reasons or causes within his own control or his negligence or carelessness in the performance of his duties”.

Clause, as amended, agreed to.

Clauses 58 to 61, by leave, taken together, and agreed to.

Clause 62—

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

Page 63, line 11, omit “Authorize the Minister, or”, substitute “Authorize the Minister, and subject to the lawful authority of the relevant Minister, authorize”.

Page 63, line 16, after “authorize” insert “, subject to the lawful authority of the relevant Minister,”.

Page 63, line 19, after “authorize” insert “, subject to the lawful authority of the relevant Minister,”.

Page 63, line 24, after “authorize” insert “, subject to the lawful authority of the relevant Minister,”.

Debate continued.

Amendments negatived.

Mr Stewart moved the following amendment: Page 64, after proposed sub-section (6) add the following sub-section:

“(7) Directions given under paragraph (a), (b) or (d) of sub-section (1) and any direction in respect of which a breach is deemed to be a contravention of the regulations shall, for the purposes of section 48 of the *Acts Interpretation Act* 1901 and section 5 of the *Rules Publication Act* 1903, be deemed to be a regulation.’”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 63—

On the motion of Sir William McMahon, the following amendment was made, after debate:
Page 64, at the end of the clause add the following sub-clause:

“(2) The Second Schedule to the Principal Act is further amended by adding at the end thereof the following Form:

FORM 4

Section 49

COMMONWEALTH GOVERNMENT
STATEMENT OF FINANCIAL TRANSACTIONS

\$ million

	Budget Estimate	Month of	Months to	Months to
OUTLAYS				
Defence				
Education				
Health				
Social Security and Welfare				
Housing				
Urban and Regional Development (nec) and the Environment				
Culture and Recreation				
Economic Services—				
Transport and Communication				
Water Supply and Electricity				
Industry Assistance and Development				
Labour and Employment				
Other Economic Services				
General Public Services—				
Legislative Services				
Law, Order and Public Safety				
Foreign Affairs and Overseas Aid				
General and Scientific Research (nec)				
Administrative Services				
Not Allocated to Function—				
Payments to or for the States, the Northern Territory and Local Government Authorities (nec)				
Public Debt Interest				
Allowance for Prospective Wage and Salary Increases				
Unallocated Administrative Savings				
Total Outlays				
RECEIPTS				
Taxation Revenue—				
Customs Duty—				
Imports				
Coal Exports				
Excise Duty				
Sales Tax				
Income Tax—Individuals—Gross PAYE				
—Refunds				
—Net PAYE				
—Other				
—Companies				
—Withholding Tax—Dividends				
—Interest				
Payroll Tax				
Departure Tax				
Estate Duty				
Gift Duty				
Stamp Duty				
Other Taxes, Fees and Fines				
Remissions				
Total Taxation Revenue				

	Budget Estimate	Month of	Months to	Months to
Interest, Rent and Dividends				
Net Receipts from Government Enterprise Transactions				
Sale of Existing Assets				
Total Receipts				
SURPLUS (+) DEFICIT (-)				
FINANCING TRANSACTIONS				
Net overseas borrowings				
Net proceeds of Australian Savings Bonds and Special Bonds				
Net change in Treasury Notes on Issue				
Net proceeds of other loans raised in Australia				
Borrowings from Reserve Bank				
Use of cash balances				
Other financing transactions in Australia				
Total Financing Transactions				

UNFUNDED DEBT AND BANK BALANCES AT

\$ million

Treasury Bills
Treasury Notes
Bank Balances

Secretary to the Department of Finance

Minister for Finance."

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

The committee adjourned at 3.34 p.m.

A. R. BROWNING,
Clerk to the Committee