

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 77

WEDNESDAY, 21 FEBRUARY 1979

1 The House met, at 2.15 p.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 Burns, Mr Cairns, Dr Jenkins, Mr L. K. Johnson, Mr Kerin, Mr Lusher, Mr J. L. McMahon, Mr Morris, Mr I. L. Robinson, Mr Sainsbury and Mr West—from certain citizens praying that pension payments be restored to twice-yearly adjustments and that pensions and unemployment benefits be raised above the poverty level to 30% of average weekly earnings.

Mr Birney, Dr Edwards, Mr Gillard, Mr Lusher, Mr MacKenzie, Mr O'Keefe and Mr Sinclair—from certain citizens praying that the Medical Benefits Schedule be amended to preclude payment of benefits for abortions.

Mr D. M. Cameron, Mr Garland and Mr Porter—from certain citizens praying for the prohibition of pornographic material involving children.

Mr Aldred—from certain citizens praying that the taxation law be amended to permit registered tax agents to trade for a full year and lodge income tax returns at the close of the respective tax year.

Mr Jull—from certain citizens praying for the elimination of discriminatory aspects of the new point to point airfares as they relate to citizens not residing in Sydney or Melbourne.

Mr Macphee—from certain citizens praying that Radio 3CR Melbourne be required to adhere to the broadcasting standards laid down for all other radio stations and that legislation be enacted against incitement to racial hatred and violence.

Mr Porter—from certain citizens praying for continued and increased Federal subsidies to maintain all existing South Australian country rail services.

Mr E. L. Robinson—from certain citizens praying that the sub-post office at Biggera Waters, Qld, not be closed.

Mr Simon—from certain citizens praying that legislation be introduced to provide for retirement at age 60 throughout the Australian workforce and that social security be available from that date.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

International trade law—5th seminar organised by the Attorney-General's Department, Canberra, 24-25 June 1978—Papers and summary of discussions.

Silver Jubilee Commemorative Organisation—Final Report, dated November 1978.

Pursuant to statute:

Administrative Appeals Tribunal Act—Administrative Review Council—2nd Annual Report, for year 1977-78.

Compensation (Commonwealth Government Employees) Act—Commissioner for Employees' Compensation—Report for year 1977-78.

Criminology Research Act—Australian Institute of Criminology—Board of Management—6th Annual Report and financial statements, together with the Auditor-General's Report, for year 1977–78.

Meat Research Act—Australian Meat Research Committee—12th Annual Report, for year 1977–78.

Repatriation Act—War Pensions Entitlement Appeal Tribunals Nos. 1, 2, 3 and 4—Reports for year 1977–78.

Seat of Government (Administration) Act—Health Commission Ordinance—Capital Territory Health Commission—1st Annual Report and financial statements, together with the Auditor-General's Report, for year 1975–76.

- 5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC RECOVERY: Mr Speaker informed the House that both Mr Hayden (Leader of the Opposition) and Mr E. C. Cameron had 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 Mr Hayden, namely, "The failure of the Government to outline and implement a consistent program for sustained non-inflationary economic recovery".

The proposed discussion having received the necessary support—

Mr Hayden addressed the House.

Discussion ensued.

Discussion concluded.

- 6 WITHDRAWAL OF NOTICES: Mr Sinclair (Leader of the House) withdrew notices Nos. 1 to 8 standing in his name under government business.

- 7 PAY-ROLL TAX (TERRITORIES) ASSESSMENT AMENDMENT BILL 1979: Mr Howard (Treasurer) presented a Bill for an Act to amend the *Pay-roll Tax (Territories) Assessment Act 1971*. Bill read a first time.

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

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

- 8 DAIRY PRODUCE SALES PROMOTION AMENDMENT BILL 1979: Mr Sinclair (Minister for Primary Industry), pursuant to notice, presented a Bill for an Act to amend the *Dairy Produce Sales Promotion Act 1958*.

Bill read a first time.

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

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

- 9 POULTRY INDUSTRY LEVY AMENDMENT BILL 1979: Mr Sinclair (Minister for Primary Industry) presented a Bill for an Act to amend the *Poultry Industry Levy Act 1965*.

Bill read a first time.

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

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

- 10 POULTRY INDUSTRY ASSISTANCE AMENDMENT BILL (No. 2) 1979: Mr Sinclair (Minister for Primary Industry), pursuant to notice, presented a Bill for an Act to amend the *Poultry Industry Assistance Act 1965*.

Bill read a first time.

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

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

- 11 REMUNERATION TRIBUNALS AMENDMENT BILL 1979: Mr McLeay (Minister for Administrative Services), pursuant to notice, presented a Bill for an Act to amend the *Remuneration Tribunals Act 1973* for purposes related to the government of Norfolk Island.

Bill read a first time.

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

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

- 12 PATENTS AMENDMENT BILL 1979: Mr Macphee (Minister for Productivity), pursuant to notice, presented a Bill for an Act to amend the *Patents Act 1952*.

Bill read a first time.

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

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

- 13 EXCISE AMENDMENT BILL 1979: Mr Fife (Minister for Business and Consumer Affairs) presented a Bill for an Act to amend the *Excise Act 1901* in relation to the export of excisable goods.

Bill read a first time.

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

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

- 14 NATIONAL FITNESS AMENDMENT BILL 1979: Mr Ellicott (Minister for Home Affairs), pursuant to notice, presented a Bill for an Act to amend the *National Fitness Act 1941*.

Bill read a first time.

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

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

- 15 AUDIT AMENDMENT BILL 1978: The order of the day having been read for the consideration of the report of the legislation committee—

SCHEDULE OF THE AMENDMENTS MADE IN LEGISLATION COMMITTEE

- (1) Clause 3, 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.”

- (2) Clause 12, page 11, line 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.”

- (3) Clause 40, page 23, lines 35–41, omit sub-section (2) of proposed section 48A.

(4) Clause 40, page 26, line 4, after “Minister” insert “or the Parliament”.

(5) Clause 40, page 28, line 41, omit “ may ”, substitute “ shall ”.

(6) Clause 40, page 29, line 5, omit “ may ”, substitute “ shall ”.

(7) Clause 40, page 29, line 40, omit “ may ”, substitute “ shall ”.

(8) Clause 40, 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 comment.”.

(9) Clause 40, page 36, line 7, omit “ may ”, substitute “ shall ”.

(10) Clause 40, page 36, line 12, omit “ may ”, substitute “ shall ”.

(11) Clause 41, page 37, omit the clause, substitute the following clause:

“ 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—

- (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.’ ”.

(12) Clause 42, 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;”.

(13) Clause 57, 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”.

(14) Clause 57, 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”.

(15) Clause 57, 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”.

(16) Clause 63, 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  
COMMONWEALTH GOVERNMENT  
STATEMENT OF FINANCIAL TRANSACTIONS  
\$ million

Section 49

	Budget Estimate	Month of	Months to	Months to
<b>OUTLAYS</b>				
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 .. .. .				
<b>Total Outlays</b> .. .. .				
<b>RECEIPTS</b>				
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 .. .. .				
<b>Total Taxation Revenue</b> .. .. .				
Interest, Rent and Dividends .. .. .				
Net Receipts from Government Enterprise Transactions .. .. .				
Sale of Existing Assets .. .. .				
<b>Total Receipts</b> .. .. .				
<b>SURPLUS (+) DEFICIT (-)</b> .. .. .				

	Budget Estimate	Month of	Months to	Months to
<b>FINANCING TRANSACTIONS</b>				
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 .. .. .				
<b>Total Financing Transactions .. .. .</b>				

**UNFUNDED DEBT AND BANK BALANCES AT**

\$ million  
 Treasury Bills  
 Treasury Notes  
 Bank Balances

Secretary to the Department of Finance

Minister for Finance.'".

*Statement by Minister:* Mr E. L. Robinson (Minister for Finance), by leave, made a statement informing the House of amendments he proposed to move during the consideration of the committee's report.

On the motion of Mr E. L. Robinson, amendment No. (2) made by the legislation committee was disagreed to, after debate.

On the motion of Mr E. L. Robinson, the following amendment was made to the Bill: Clause 40, page 23, lines 6 and 7, omit " subject to any regulations in force for the purposes of sub-section (2)".

On the motion of Mr E. L. Robinson, the following amendment was made to the Bill: Clause 40, page 24, lines 28-30, omit "unless it is declared by the regulations not to be a public authority of the Commonwealth for the purposes of this Division".

On the motion of Mr E. L. Robinson, the following amendment was made to the Bill: Clause 40, page 24, lines 46 and 47, omit "unless that office or appointment is declared by the regulations to be an office or appointment to which this sub-section does not apply".

On the motion of Mr E. L. Robinson, amendment No. (4) made by the legislation committee was omitted and the following amendment substituted, after debate: Clause 40, page 26, lines 1-16, omit sub-sections (2) and (3) of proposed section 48c, substitute the following sub-sections:

"(2) A Minister may by writing under his hand, or the Parliament may by resolution of both Houses of the Parliament, request the Auditor-General to carry out efficiency audits of all the operations, or of specified operations, of an eligible incorporated company, and, where the Minister or the Parliament does so, the Auditor-General—

- (a) may make arrangements with the company for the carrying out by him of efficiency audits of all the operations of the company, or of the operations of the company so specified, as the case requires; and
- (b) may, in accordance with arrangements so made, carry out, at such intervals as he thinks fit, an efficiency audit of all or any of the operations of the company to which the arrangement relates.

"(3) An arrangement made by the Auditor-General with an eligible incorporated company—

- (a) may include provision for the payment of fees by the company to the Commonwealth in respect of the carrying out of efficiency audits of operations of the company to which the arrangement relates; and

- (b) may be varied or revoked by the Auditor-General or the company—
- (i) in the case of an arrangement made at the request of a Minister—with the approval of a Minister; or
  - (ii) in the case of an arrangement made at the request of the Parliament—with the approval of the Parliament given by resolution of both Houses of the Parliament.”

On the motion of Mr E. L. Robinson the following amendment was made to the Bill, after debate: Clause 40, page 29, line 7, after sub-section (2) of proposed section 48F insert the following sub-sections:

“(2A) Where the Auditor-General prepares a report that he proposes to make with respect to the results of an efficiency audit of operations of a relevant body carried out by him under this Act, the Auditor-General shall, before signing the proposed report, furnish a copy of the proposed report to the body in order that the body may furnish to the Auditor-General any comments on the proposed report that it desires to make.

“(2B) Where a copy of a proposed report of the results of an efficiency audit of operations of a relevant body has been furnished to the body under sub-section (2A) and—

- (a) the Auditor-General has received comments from the body on the proposed report and has considered those comments; or
  - (b) a period of not less than 28 days has elapsed from the date on which the copy of the proposed report was furnished to the body and the Auditor-General has not received any comments from the body,
- the proposed report, or that report amended in such manner as the Auditor-General thinks fit having regard to any comments furnished to him by the body, may be signed by the Auditor-General as his report of the results of that efficiency audit.”

On the motion of Mr E. L. Robinson, amendment No. (8) made by the legislation committee was disagreed to.

Clause 40, as further amended, agreed to.

On the motion of Mr E. L. Robinson, amendment No. (12) made by the legislation committee was disagreed to.

On the motion of Mr E. L. Robinson, the following amendment was made to the Bill: Clause 54, page 44, lines 38 and 39, omit “whether, in his opinion, the statements are in agreement with the accounts and records and”, substitute “whether the statements are in agreement with the accounts and records and, in his opinion,”.

On the motion of Mr E. L. Robinson, the following amendment was made to the Bill: Clause 54, page 46, line 21, omit “, in his opinion,”.

Clause 54, as amended, agreed to.

Mr E. L. Robinson moved the following amendment to the Bill: Clause 57, page 52, line 35, after sub-section (2) of proposed section 70AA insert the following sub-section:

“(3) For the purposes of this Part, an officer shall be taken to have performed duties in a grossly negligent manner if he has displayed, in the performance of those duties, a deliberate or serious disregard of reasonable standards of care.”

Debate ensued.

Sir William McMahon, who had already spoken twice, again addressed the House, by leave.

Debate continued.

Amendment agreed to.

On the motion of Mr E. L. Robinson, amendment No. (13) made by the legislation committee was disagreed to.

On the motion of Mr E. L. Robinson, amendment No. (14) made by the legislation committee was disagreed to.

On the motion of Mr E. L. Robinson, amendment No. (15) made by the legislation committee was disagreed to.

Clause 57, as further amended, agreed to.

On the motion of Mr E. L. Robinson, the Bill as reported, and as further amended, was agreed to, after debate, and, by leave, the Bill was read a third time.

- 16 **SUSPENSION OF STANDING ORDERS—GENERAL BUSINESS NOTICE:** Mr Sinclair (Leader of the House), by leave, moved—That so much of the standing orders be suspended as would prevent the honourable Member for Prospect moving forthwith the motion concerning six-monthly indexation of social security and repatriation benefits of which he has given notice for the next sitting.

Question—put and passed.

- 17 **SOCIAL SECURITY AND REPATRIATION BENEFITS—INDEXATION:** Dr Klugman moved—That this House calls on the Government to immediately reintroduce six-monthly indexation of social security and repatriation benefits.

Debate ensued.

Mr Hodgman rising to address the House—

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

Question—That the question be now put—put and negatived.

Mr Hodgman addressed the House.

Mr Carlton rising to address the House—

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

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

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

The House divided (the Speaker, Sir Billy Snedden, in the Chair)—

AYES, 34

Mr Armitage	Mr Goodluck	Dr Jenkins	Mr Stewart
Dr Blewett	Mr Hodgman	Mr C. K. Jones	Mr Wallis
Mr Bowen	Mr Holding	Mr Keating	Mr West
Mr Bryant	Mr Howe	Mr Kerin	Mr Willis
Mr Burns	Mr Humphreys	Dr Klugman	Mr Young
Mr C. R. Cameron	Mr Hurford	Mr J. L. McMahon	
Mr Cohen	Mr Innes	Mr Martin	<i>Tellers:</i>
Mr Dawkins	Mr Jacobi	Mr Morris	Mr L. K. Johnson
Mr FitzPatrick	Mr James	Mr Scholes	Mr L. R. Johnson

NOES, 70

Mr Adermann	Mr Dean	Mr Jull	Mr I. L. Robinson
Mr Aldred	Mr Dobie	Mr Killen	Mr Ruddock
Mr Anthony	Mr Drummond	Mr Lloyd	Mr Sainsbury
Mr Baillieu	Dr Edwards	Mr Lusher	Mr Shack
Mr Birney	Mr Ellicott	Mr Lynch	Mr Shipton
Mr Bouchier	Mr Falconer	Mr MacKellar	Mr Short
Mr Braithfield	Mr Fife	Mr MacKenzie	Mr Simon
Mr Braithwaite	Mr Fisher	Mr McLeay	Mr Sinclair
Mr N. A. Brown	Mr Garland	Sir William McMahon	Mr Staley
Mr Cadman	Mr Gillard	Mr McVeigh	Mr Street
Mr Cairns	Mr Graham	Mr Macphee	Mr Thomson
Mr Calder	Mr Groom	Mr Martyr	Mr Viner
Mr D. M. Cameron	Mr Haslem	Mr Millar	Mr Wilson
Mr E. C. Cameron	Mr Howard	Mr Newman	Mr Yates
Mr Carlton	Mr Hyde	Mr Nixon	
Mr Chapman	Mr Jarman	Mr O'Keefe	<i>Tellers:</i>
Mr Connolly	Mr P. F. Johnson	Mr Porter	Mr Corbett
Mr Cotter	Mr Johnston	Mr E. L. Robinson	Mr Hodges

And so it was negatived.

- 18 **PARLIAMENTARY COURTYARDS—STATEMENT BY MR SPEAKER:** Mr Speaker made a statement regarding renovations to the Parliamentary courtyards.

- 19 **ADJOURNMENT:** It being past 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 10.43 p.m., adjourned until tomorrow at 10.30 a.m.



PAPERS: The following papers were deemed to have been presented on 21 February 1979, pursuant to statute:

Commonwealth Banks Act—Appointment certificate—K. G. O'Connor.

Health Insurance Act—Regulations—Statutory Rules 1979, No. 14.

Quarantine Act—Regulation—Statutory Rules 1979, No. 15.

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MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr J. J. Brown, Mr Bungey, Dr Cass, Dr Everingham, Mr Giles, Mr B. O. Jones and Mr Katter.

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