

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 186

TUESDAY, 16 SEPTEMBER 1980

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- 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 Anthony, Mr Bradfield, Mr Dawkins, Mr Dobie, Mr Drummond, Mr Fife, Mr Fisher, Mr MacKenzie, Mr Nixon and Mr I. L. Robinson—from certain citizens praying that funding of the Preston Institute of Technology Chiropractic Program be no longer delayed.
 - Dr Blewett, Mr Bradfield, Mr E. C. Cameron, Mr Jacobi, Mr Keating, Mr I. L. Robinson, Mr Scholes, Mr Wallis and Mr Yates—from certain citizens praying that steps be taken to compensate the victims of the bomb disaster at the Hilton Hotel, Sydney, N.S.W.
 - Mr Dawkins, Mr Humphreys, Mr Innes and Mr Morris—from certain citizens praying that pensions and benefits be increased and adjusted quarterly and that greater taxation relief be given to pensioners and others on low incomes.
 - Mr Cairns, Mr Martyr and Mr Millar—from certain citizens praying that the National Women's Advisory Council be abolished.
 - Mr Anthony and Mr MacKellar—from certain citizens praying that any proposal to legislate for the establishment of plant breeders' rights in Australia be rejected.
 - Mr Bowen and Mr Keating—from certain citizens and permanent residents praying that permanent funding be provided for an adequate and permanent English language teaching service.
 - Mr Dobie and Mr Lucock—from certain residents of New South Wales praying that the allocation of funds for government school programs be restored and substantially increased.
 - Mr Millar and Mr Thomson—from certain citizens praying that the imperial system of weights and measures be restored.
 - Mr Burns—from certain electors of the Electoral Division of Isaacs praying that the Family Law Act be amended to abolish the maintenance and alimony system.
 - Mr E. C. Cameron—from certain citizens praying for the prohibition of pornographic material involving children.
 - Mr E. C. Cameron—from certain citizens praying that no measures be taken to implement those recommendations of the Royal Commission on Human Relationships that will further undermine and weaken marriage, child-care or the family.
 - Mr Cohen—from certain citizens praying that laws be passed to outlaw discrimination in employment and in the provision of unemployment benefits, based upon race, ethnic origin, marital status and sex.
 - Mr Dawkins—from certain citizens praying that steps be taken to allow child-care expenses as a deductible item from taxpayers' assessable income.

- Mr Dobie—from certain residents of New South Wales praying that the 1980 level of education expenditure to Government schools be restored and increased in real terms.
- Mr Humphreys—from certain citizens praying that a Post Office agency be provided in the Marsden area, Qld.
- Mr Humphreys—from certain citizens praying that Australia join with other Pacific Nations to make the whole Pacific region a nuclear free zone.
- Mr Humphreys—from certain citizens praying that legislation be introduced to require labelling of perfumes, cosmetics and toilet preparations to indicate any use of animal ingredients during manufacture.
- Mr Humphreys—from certain citizens praying for the prohibition of oil exploration within the Great Barrier Reef region and that the entire region be declared a Marine Park.
- Mr Humphreys—from certain citizens praying that the export of live animals be prohibited by denying export permits.
- Mr Innes—from certain citizens praying that action be taken to have telephone subscribers in the 047 zone included in the Sydney telephone district.
- Sir William McMahon—from certain electors of the Electoral Division of Lowe praying that land formerly used by the Commonwealth Animal Quarantine Station at Abbotsford, N.S.W. be returned to the State of New South Wales for conversion to a riverside park.
- Mr Morris—from certain citizens praying that a system of double income tax on personal incomes not be introduced.
- Mr Morris—from certain citizens praying that any proposal to sell Trans Australia Airlines be rejected.
- Mr Morris—from certain citizens praying that the funding of women's health centres and rape crisis centres be increased.
- Mr Simon—from certain citizens praying that adequate public housing be provided throughout Australia and in particular to persons on low incomes in the Latrobe Valley, Vic.
- Mr Yates—from certain citizens praying that tax laws be reformed to allow joint incomes to be equally divided, for taxation purposes, between husband and wife.

Petitions received.

- 3 MINISTERIAL ARRANGEMENTS: Mr Fraser (Prime Minister) informed the House that, during the absence abroad of Mr Anthony (Minister for Trade and Resources), Mr Sinclair (Minister for Special Trade Representations) was acting as Minister for Trade and Resources.
- 4 QUESTIONS: Questions without notice were asked.
- 5 PARLIAMENT HOUSE—INDUSTRIAL DISPUTE—STATEMENT BY MR SPEAKER: Mr Speaker made a statement informing the House of an industrial dispute which would prevent the provision of cleaning services within Parliament House.
- 6 PARLIAMENT HOUSE—POLICE POWERS—STATEMENT BY MR SPEAKER: Mr Speaker made a statement informing the House of the circumstances surrounding the presence of police officers in Parliament House on 15 September 1980 and of the limitations on the powers of police to enter Parliament House.
- 7 LAW REFORM COMMISSION—REPORT AND STATEMENT—MOTION TO TAKE NOTE OF PAPERS: Mr Howard (Treasurer), pursuant to statute, presented the following paper:
 Law Reform Commission Act—Law Reform Commission—Report No. 16—Insurance agents and brokers, dated 25 January 1980—
 and, by command of His Excellency the Governor-General, also presented the following paper:
 Law Reform Commission—Report on insurance agents and brokers—Statement by Senator Durack (Attorney-General).

Mr Sinclair (Leader of the House) moved—That the House take note of the papers. Mr Jacobi 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.

8 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Anmatjirra and Alyawarra land claim to Utopia pastoral lease—Statement by Senator Chaney (Minister for Aboriginal Affairs).

Australian Postal Commission—Extracts from report for year 1979–80.

Commonwealth Accommodation and Catering Services Ltd—Report, for year 1979–80.

Department of Aboriginal Affairs—Annual Report, for year 1979–80.

Department of Health—Interim statement—Expenditure, 1975–76 to 1979–80 and appropriation for 1980–81.

Industries Assistance Commission—Interim report—Passenger motor vehicles and components—Export facilitation for specialist component producers, dated 30 June 1980.

National Accreditation Authority for Translators and Interpreters—2nd Annual Report for 1979.

Pursuant to statute:

Australian Bureau of Statistics Act—Australian Statistics Advisory Council—4th Annual Report, for year 1979–80.

Dried Fruits Research Act—Dried Fruits Research Committee—9th Annual Report, for year 1979–80.

Industries Assistance Commission Act—Temporary Assistance Authority—Report—Non-adjustable spanners, dated 14 August 1980.

Medical Research Endowment Act—National Health and Medical Research Council—Report for 1979.

National Debt Sinking Fund Act—National Debt Commission—57th Annual Report, for year 1979–80.

National Parks and Wildlife Conservation Act—Director of Australian National Parks and Wildlife Service—Report and financial statements, together with the Auditor-General's Report, for year 1979–80.

Wine Overseas Marketing Act—Australian Wine Board—52nd Annual Report, for year 1979–80.

9 DRUGS—ROYAL COMMISSION OF INQUIRY—REPORT AND STATEMENT—PUBLICATION OF REPORT: Mr MacKellar (Minister Assisting the Prime Minister), by command of His Excellency the Governor-General, presented the following papers:

Drugs—Royal Commission of Inquiry—

Report—

Book F—Outlines of recommended uniform legislation.

Statement by Mr MacKellar.

Mr Sinclair (Leader of the House), by leave, moved—

(1) That this House, in accordance with the provisions of the *Parliamentary Papers Act* 1908, authorises the publication of the report, and

(2) That the report be printed.

Question—put and passed.

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

11 September 1980—Message No. 529—Defence Service Homes Amendment (No. 2) 1980.

12 September 1980, a.m.—Message—

No. 530—Repatriation Acts Amendment 1980,

- No. 531—Social Services Amendment 1980.
 No. 532—National Health Amendment (No. 2) 1980.
 No. 533—Health Insurance Amendment 1980.
 12 September 1980—Message—
 No. 534—Income Tax Assessment Amendment (No. 5) 1980.
 No. 535—Taxation Debts (Abolition of Crown Priority) 1980.
 No. 536—States Grants (Schools Assistance) 1980.
 No. 537—States Grants (Tertiary Education Assistance) Amendment (No. 2) 1980.
- 11 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:
 11 September 1980—Message No. 297—Atomic Energy Amendment (No. 2) 1980.
 13 September 1980—Message No. 298—
 Loan 1980.
 Australian Industry Development Corporation Amendment 1980.
- 12 PUBLIC ACCOUNTS COMMITTEE—REPORT—PUBLICATION OF PAPER—STATEMENT BY MEMBER: Mr Connolly (Chairman) presented the following report from the Joint Committee of Public Accounts:
 181st Report—Canberra Commercial Development Authority (Belconnen Mall).
 Ordered to be printed.
 Mr Connolly, by leave, moved—That this House, in accordance with the provisions of the *Parliamentary Papers Act* 1908, authorises the publication of the 181st Report of the Joint Committee of Public Accounts, concerning the Canberra Commercial Development Authority.
 Question—put and passed.
 Mr Connolly, by leave, made a statement in connection with the report.
- 13 AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER: Mr Fry (Deputy Chairman) presented the following report from the Joint Committee on the Australian Capital Territory:
 Report on the 72nd series of proposed variations of the plan of lay-out of the City of Canberra and its environs, together with copies of extracts from the minutes of proceedings.
 Ordered—That the report be printed.
 Mr Fry, by leave, made a statement in connection with the report.
- 14 PUBLIC WORKS COMMITTEE—REPORTS—STATEMENT BY MEMBER: Mr Bungey (Chairman) presented the following reports from the Parliamentary Standing Committee on Public Works:
 Report relating to the proposed construction of an aircraft corrosion control facility, R.A.A.F. Base, Richmond, N.S.W. (10th report of 1980).
 Report relating to the proposed construction of Lavarack Barracks, Stage 2 development, Townsville, Qld (11th report of 1980).
 Severally ordered to be printed.
 Mr Bungey, by leave, made a statement in connection with the reports.
- 15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH INSURANCE: Mr Deputy Speaker informed the House that Dr Blewett, Mr Cairns and Mr Neil 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, Mr Speaker had given priority to the matter proposed by Dr Blewett, namely, "The growing failure of the Government, despite its electoral commitments, to provide universal, fair and simple health insurance cover".

The proposed discussion having received the necessary support—
Dr Blewett addressed the House.
Discussion ensued.
Discussion concluded.

16 MESSAGE FROM THE SENATE—HIGH COURT OF AUSTRALIA (CONSEQUENTIAL PROVISIONS)
BILL 1980: Message No. 538, dated 12 September 1980, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend certain Acts in consequence of the enactment of the ‘High Court of Australia Act 1979’*”.

Bill read a first time.

Mr Viner (Minister representing the Attorney-General) 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.

17 CUSTOMS TARIFF VALIDATION BILL (No. 2) 1980: Mr Garland (Minister for Business and Consumer Affairs) presented a Bill for an Act to provide for the validation of certain collections of duties of Customs.

Bill read a first time.

Mr Garland 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.

18 EXCISE TARIFF VALIDATION BILL 1980: Mr Garland (Minister for Business and Consumer Affairs) presented a Bill for an Act to provide for the validation of certain collections of duties of Excise.

Bill read a first time.

Mr Garland 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.

19 POSTPONEMENT OF ORDERS OF THE DAY: Ordered—That orders of the day Nos. 1 and 2, government business, be postponed until a later hour this day.

20 PETROLEUM RETAIL MARKETING FRANCHISE BILL 1980: 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 by Mr Hurford who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing this Bill, the House—

- (1) notes with concern that the proposed legislation provides no protection in relation to franchise agreements entered into prior to the commencement of the Act, contrary to the promises made by the Government in October 1978;
- (2) expresses the view that the price discrimination provisions of the Bill are inadequate and may lead to unfair practices detrimental to the well-being of franchisees and consumers, and should be reviewed within 6 months after the commencement of the Act, and
- (3) calls upon the Government immediately to establish a regulatory agency for the petroleum industry as recommended by the Collins Royal Commission on Petroleum to monitor, review and regulate the pricing policies and market conduct of the major companies in the industry, and to ensure that petroleum prices are fairly determined for the benefit of consumers”.

Debate continued.

Mr Humphreys rising to address the House—

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

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

And the question—That the words proposed to be omitted stand part of the question—was put accordingly, and passed.

Question—That the Bill be now read a second time—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.

Mr Garland (Minister for Business and Consumer Affairs), by leave, moved the following amendments together:

Clause 3—

Page 4, line 37, after “Act” insert “, except in sub-section 6 (8),”.

Page 5, at the end of the clause add the following sub-clause:

“(12) A reference in this Act to the retail sale in bulk of motor fuel shall be read as a reference to the retail sale of motor fuel, where that motor fuel is not delivered, at the premises at which it is sold, into a part of a road vehicle in which motor fuel for the propulsion of that vehicle is stored.”.

Clause 6, page 9, at the end of the clause add the following sub-clause:

“(8) This Act does not apply in relation to a franchise agreement if more than 75% of the motor fuel sold by retail at the marketing premises is sold in bulk or sold by the franchisee as servant or agent of the franchisor.”.

Clause 9, page 10, at the end of the clause add the following sub-clauses:

“(4) Where a provision of an agreement is rendered void by the operation of sub-section (2), the validity of the agreement is not otherwise affected, but, if that provision is not severable, the franchisee may—

(a) avoid the agreement; or

(b) apply to a court for an order under sub-section (5).

“(5) In any proceedings under sub-section (4) in relation to an agreement, the court may make—

(a) an order varying the agreement in such manner as the court considers just and equitable for the purpose of enabling the provisions of the agreement to have effect to the extent that they are not rendered void by the operation of sub-section (2); and

(b) such ancillary or consequential orders as it thinks fit, including orders directing the preparation and execution of documents.”.

Clause 20—

Page 27, line 16, omit “or” (last occurring).

Page 27, at the end of sub-clause (2) add the following word and paragraph:

“; or (c) the discrimination results only from compliance with a law of a State or Territory fixing the wholesale price, or the maximum wholesale price, of motor fuel.”.

Page 27, at the end of the clause add the following sub-clause:

“(4) This section does not apply in relation to the supply or proposed supply of motor fuel to franchisees for retail sale in bulk.”.

Debate continued.

Mr Chapman rising to address the committee—

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

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

And the question—That the amendments be agreed to—was put accordingly, and passed.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Dobie reported accordingly.

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

- 21 PETROLEUM RETAIL MARKETING SITES BILL 1980: 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 by Mr Hurford who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing this Bill, the House—

- (1) notes with concern that the maximum number of sites which may be operated by the major oil companies need not be reduced until one year has elapsed from the commencement of this Bill;
- (2) expresses its view that the price charged by the major oil companies for petroleum products marketed through sites which they operate should be regulated by a regulatory agency for the petroleum industry as recommended by the Collins Royal Commission, and
- (3) calls upon the Government to review the legislation within 18 months of the commencement of the Act with a view to deciding upon a further reduction of the number of sites operated by the major oil companies”.

Debate continued.

Amendment negatived.

Question—That the Bill be now read a second time—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.

Mr Garland (Minister for Business and Consumer Affairs), by leave, moved the following amendments together:

Clause 3—

Page 2, line 25, after “trucks” insert “or omnibuses”.

Page 5, at the end of the clause add the following sub-clause:

“(4) References in the definition of ‘franchise agreement’ in sub-section (1) to retail sale by a person shall not be read as including retail sale by that person as servant or agent of another person.”.

Clause 7, page 8, lines 10 and 11, omit sub-clause (2), substitute the following sub-clause:

“(2) Paragraph (1) (b) does not apply in relation to a retail site if, in the ordinary course of business, more than 75% of the motor fuel sold by retail at that site is sold under a franchise agreement.”.

Debate continued.

Mr Humphreys rising to address the committee—

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

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

And the question—That the amendments be agreed to—was put accordingly, and passed. Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Dobie reported accordingly.

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

- 22 NITROGENOUS FERTILIZERS SUBSIDY AMENDMENT BILL 1980: 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. 299, dated 28 August 1980, 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 Garland (Minister for Business and Consumer Affairs), the Bill was read a third time.

- 23 AIR NAVIGATION (CHARGES) AMENDMENT BILL 1980: 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 Calder addressing the House—

Adjournment negatived: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Hunt (Minister for Transport) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Hunt, the Bill was read a third time.

- 24 ADJOURNMENT: Mr Hunt (Minister for Transport) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 11 p.m., adjourned until tomorrow at 2.15 p.m.

PAPERS: The following papers were deemed to have been presented on 16 September 1980, pursuant to statute:

Air Navigation Act—Regulations—Statutory Rules 1980, No. 269.

Apple and Pear Stabilization Act—Regulation—Statutory Rules 1980, No. 266.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal for collection of information—1980—No. 7—Surveys of handicapped persons, February–May 1981.

Customs Act and Commerce (Trade Descriptions) Act—Regulation—Statutory Rules 1980, No. 268.

Customs Tariff Act—Orders—Developing country—Nos. 4, 5 (1980).

Seat of Government (Administration) Act—Ordinances—1980—

No. 28—Workmen's Compensation Supplementation Fund.

No. 29—Workmen's Compensation (Amendment).

No. 30—Sewerage Rates (Amendment) (No. 2).

Wheat Marketing Act—Regulations—Statutory Rules 1980, No. 267.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Anthony, Mr Braithwaite, Mr Bryant, Mr Corbett, Dr Edwards, Mr Graham*, Mr James, Mr L. K. Johnson, Mr C. K. Jones, Mr MacKenzie, Mr McLean, Mr Martin, Mr Moore and Mr Wallis.

* On leave

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