

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 62

WEDNESDAY, 21 OCTOBER 1981

1 The House met, at 1.45 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 Charles, Mrs Child, Mr Cunningham, Mr Duffy, Mr Kent, Mr Mildren, Mr Milton, Dr Theophanous and Mr Willis—from certain citizens praying that insulin syringes for diabetics be made available on the National Health Scheme and insulin prescriptions revert to 10 bottles.

Mr Beazley, Mr Bungey, Mr Campbell, Mrs Darling, Mr Dawkins and Mr Hurford—from certain citizens praying that the proposed sales tax on books, magazines and newspapers be withdrawn from the Budget proposals.

Mr Cross, Dr Everingham and Mr Shipton—from certain citizens praying that the Government's sales tax legislation be withdrawn or repealed.

Mr I. M. D. Cameron and Mr Cross—from certain members of Parents and Citizens Associations praying that the Schools Commission and Curriculum Development Centre be retained in their original forms and certain funding proposals and schools improvement programs be retained.

Mrs Child and Dr Theophanous—from certain electors of the Electoral Divisions of Henty and Burke, respectively, praying that the rights of Australian workers in the automotive industry be protected by rejecting any proposal to reduce the level of tariff protection for the industry.

Mr Lloyd and Mr Street—from certain citizens praying that steps be taken to prevent the Australian Postal Commission implementing any plan which will downgrade postal and mail services.

Mr Bungey, Dr Edwards and Mr Kerin—from certain residents of the Electoral Divisions of Canning, Berowra and Werriwa, respectively, in similar terms to the last preceding petition.

Mr Armitage—from certain citizens praying that steps be taken to allow child-care expenses as a deductible item from taxpayers' assessable income.

Mr Beazley—from certain citizens praying that Australia make an immediate and substantial offer of food aid to the Polish Government.

Mr Beazley—from certain citizens praying that Australian military participation in the proposed Sinai peacekeeping force not be ratified unless that force is fully controlled by the United Nations.

Mr Carlton—from certain citizens praying that all photocopying and video-recording used exclusively for education purposes be exempted from the provisions of the Copyright Act.

Dr Cass—from certain citizens praying that Medibank be maintained, community health program funding and services be increased, the means test be abandoned and certain other action be taken in relation to the health care needs of the community.

- Mr Cross—from certain citizens praying that requests for export permits covering mineral sand products from Moreton Island, Qld, be refused.
- Mr Cross—from certain citizens praying that the value of family allowances be restored and then indexed and the spouse rebate be increased to \$1,342 per year.
- Mrs Darling—from certain citizens praying that no approval be given to the application of Trans Australia Airlines or any other airline for a relaxation or withdrawal of the curfew at Eagle Farm Airport, Qld.
- Mrs Darling—from certain citizens praying that any proposal to increase sales tax on furniture and mattresses not be proceeded with.
- Mrs Darling—from certain citizens praying that the Community Youth Support Scheme be continued.
- Mrs Darling—from certain citizens praying that the widows pension and supporting parent benefit be increased, the guardian, child and family allowances be indexed, the tax-free threshold for income tax be raised and the sales tax increases on essential items be removed.
- Mr Fraser—from certain citizens praying that steps be taken to re-introduce a system of health care based on ability to pay and that access to health care be based on medical need.
- Mr Fry—from certain citizens praying that the decision to pass the responsibility of funding of women's and children's refuges and health and crisis centres to the States be reversed and certain other actions be taken to consolidate the existing services and develop new initiatives for women and children in the community.
- Mr Fry—from certain citizens praying that realistic funding levels be introduced to maintain existing services offered by women's refuges and certain other actions be taken to ensure the continuing effectiveness of the women's refuge program.
- Mr Groom—from certain residents of north west and west coast municipalities of Tasmania praying that funds be provided to upgrade Wynyard Airport, Tas., to the standard required for it to accommodate medium size jet aircraft.
- Mr Hurford—from certain parents of children attending the Ingle Farm Community Kindergarten Inc., S.A., praying that funds for operating costs be restored to the Ingle Farm community kindergarten and extra funds be provided to counter the effects of inflation.
- Mr Kerin—from certain citizens praying that interest rate relief be given by way of tax concessions or a subsidy on mortgage repayments.
- Mr Kerin—from certain citizens praying that steps be taken to bring all family allowances and social security benefits up to levels which would make them equivalent in real monetary terms to the time when they were set.
- Mr McVeigh—from certain citizens praying that the proposed sales tax on books, magazines and newspapers be reconsidered.
- Mr Mildren—from certain residents of the Electoral Division of Ballarat praying that immediate attention be given to an already seriously depressed housing industry.
- Mr Moore—from certain citizens praying that post-secondary tuition fees not be re-introduced, visa charges upon private overseas students be removed, the decision to introduce a loans scheme be reversed and the Tertiary Education Assistance Scheme be increased and extended.
- Mr Morris—from certain citizens praying that any proposal to sell Trans Australia Airlines be rejected.
- Mr Morris—from certain citizens praying that Medibank be re-introduced.
- Mr Mountford—from certain citizens praying that disabled people be recognised as citizens who should have equal rights and that certain actions be taken to enable adequate planning of services needed by partially or totally disabled people to be undertaken.
- Mr Peacock—from certain citizens praying that the Senate's requested amendments to the Sales Tax Bills be supported.

Mr Uren—from certain citizens praying that the decisions of the Committee of Review of Commonwealth Functions to dismantle depots of the Department of Housing and Construction and replace long-serving workers, be reversed.

Petitions received.

3 QUESTIONS: Questions without notice being asked—

Paper: Mr N. A. Brown (Minister for Employment and Youth Affairs), by command of His Excellency the Governor-General, presented the following paper:

Employment—Minister's notes.

Questions without notice continued.

4 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

National Training Council—7th Annual Report, for 1980.

Radioactive Waste Management—Australian Ionising Radiation Advisory Council—1980–81 Supplement, dated 9 April 1981, to Report, dated June 1979.

Pursuant to statute:

Australian Heritage Commission Act—Australian Heritage Commission—5th Annual Report and financial statements, together with the Auditor-General's Report, for year 1980–81.

Overseas Telecommunications Act—Overseas Telecommunications Commission (Australia)—Report and financial statements, together with the Auditor-General's Report, for year ended 31 March 1981.

5 MESSAGE FROM THE SENATE—SALES TAX AMENDMENT BILLS (NOS. 1A TO 9A) 1981:

The following message from the Senate was reported:

Message No. 185

Mr Speaker,

The Senate returns to the House of Representatives the Bills intituled:

“A Bill for an Act to amend the ‘Sales Tax Act (No. 1) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 2) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 3) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 4) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 5) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 6) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 7) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 8) 1930’ ”;

“A Bill for an Act to amend the ‘Sales Tax Act (No. 9) 1930’ ”,

and acquaints the House of Representatives that the Senate has considered Message No. 194 of that House, dated 14 October 1981, in reference to such Bills.

The Senate has resolved to press its Requests for the amendments to each of the respective Bills, and again requests the House of Representatives to make such amendments, as shown in the Schedule annexed to each of the Bills.

HAROLD YOUNG

President

The Senate,
Canberra, 20 October 1981

Statement by Mr Speaker—Power of House in respect of money bills: Mr Speaker made the following statement:

I draw the attention of the House to the constitutional question this Message involves. The Message purports to repeat the requests for amendments contained in Message No. 160 which the House rejected on 14 October. The right of the Senate to repeat and thereby press or insist on a request for an amendment has never been accepted by the House of Representatives.

On several previous occasions when a request was pressed on the House by repetition the House had regard to the claim that the public welfare required passage of the legislation which was the subject of the pressed request and gave the pressed request the House's consideration notwithstanding that the House

resolved to refrain from determining its constitutional rights. The House so informed the Senate of the terms of its resolution in its Message to the Senate in reply.

It is not certain whether the Senate's "right" to press a request by repetition is justiciable in the courts. However it is a matter of constitutional propriety as between the Houses based on the provisions of sections 53 to 57 of the Constitution. Strong arguments that the Constitution does not give the Senate the right to press a request were advanced by Quick and Garran, who were intimately involved in the development of the Constitution. Their views may be found on pages 671-2 of their classic analysis of the Constitution.

In 1943, some 40 years later, the question was examined by four eminent constitutional lawyers, Garran, Knowles, Bailey and Castieau, who, after considering other learned opinion, summed up the question in the following words:

"In our opinion, the Constitution in denying the right of amendment and conferring the right of request intended a substantial difference. In this we respectfully agree with the views expressed by Sir Harrison Moore, Sir Isaac Isaacs, and Sir John Latham. We think it clear that the Constitution did not intend to stultify itself by giving back in one clause what it had taken away in another. The essence of the difference between request and amendment is that in the case of a request the right of decision as to the form of the Bill rests solely with the House of Representatives. To press a request is to insist upon it—which is a contradiction in terms, and also in our opinion unconstitutional."

Other more recent legal opinion has been of a similar view, including Professor J. E. Richardson, Professor Geoffrey Sawer and Professor Dennis Pearce.

I respectfully agree with these opinions.

It rests with the House whether it will consider Message No. 185 insofar as it purports to press the requests that were contained in Message No. 160.

Mr Sinclair (Leader of the House) moved—

- (1) That this House endorses the statement of Mr Speaker in relation to the constitutional questions raised by Message No. 185 transmitted from the Senate in relation to the Sales Tax Amendment Bills (Nos. 1A to 9A) 1981;
- (2) That this House declines to consider Message No. 185 insofar as it purports to press the requests that were contained in Message No. 160 from the Senate, and
- (3) That the consideration of further action in relation to the Sales Tax Amendment Bills (Nos. 1A to 9A) 1981 be made an order of the day for the next sitting.

Debate ensued.

Mr West rising to address the House—

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

Question—That the question be now put—put.

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

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Mr Adermann	Mr Connolly	Mr Hunt	Mr Porter
Mr Anthony	Mr Cowan	Mr Hyde	Mr Robinson
Mr Baume	Mr Dean	Mr Jull	Mr Rocher
Mr Birney	Mr Drummond	Mr Killen	Mr Sainsbury*
Mr Bradfield	Dr Edwards	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Falconer	Mr MacKellar	Mr Shipton
Mr N. A. Brown	Mr Fife	Mr MacKenzie	Mr Sinclair
Mr Bungey	Mr Fisher*	Mr McLean	Mr Street
Mr Burr	Mr Giles	Sir William McMahon	Mr Tambling
Mr Cadman	Mr Groom	Mr McVeigh	Mr Thomson
Mr D. M. Cameron	Mr Hall	Mr Macphee	Mr Tuckey
Mr E. C. Cameron	Mr Harris	Mr Moore	Mr White
Mr I. M. D. Cameron	Mr Hicks	Mr Newman	Mr Wilson
Mr Carlton	Mr Hodges	Mr Nixon	
Mr Chapman	Mr Hodgman	Mr O'Keefe	
Mr Coleman	Mr Howard	Mr Peacock	

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Mr Armitage	Mr Cunningham	Mr Innes	Mr Morris
Mr Beazley	Mrs Darling	Mr Jacobi	Mr Morrison
Dr Blewett	Mr Dawkins	Mr B. O. Jones	Mr Mountford
Mr Bowen	Mr Duffy	Mr C. K. Jones	Mr Scott
Mr J. J. Brown	Dr Everingham	Mr Keating	Dr Theophanous
Mr R. J. Brown	Mr Free	Mr Kent	Mr Uren
Mr Campbell	Mr Fry	Mr Kerin	Mr Wallis
Dr Cass	Mr Hawke	Dr Klugman	Mr West
Mr Charles	Mr Holding	Mr McLeay	Mr Willis
Mrs Child	Mr Howe	Mr J. L. McMahon*	Mr Young
Mr Cohen	Mr Humphreys*	Mr Mildren	
Mr Cross	Mr Hurford	Mr Milton	

* Tellers

And so it was resolved in the affirmative.

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

- 6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GEELONG PETROCHEMICAL COMPLEX:** Mr Speaker informed the House that Mr Hurford had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Fraser Government's inept policies which have resulted, inter alia, in I.C.I. shelving its \$500 million Geelong petrochemical complex investment".

The proposed discussion having received the necessary support—
Mr Hurford addressed the House.

Discussion ensued.

Discussion concluded.

- 7 **BROADCASTING STATIONS LICENCE FEES BILL 1981:** Mr Sinclair (Minister for Communications) presented a Bill for an Act to amend the *Broadcasting Stations Licence Fees Act 1964*, and for related purposes.

Bill read a first time.

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

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

- 8 **TELEVISION STATIONS LICENCE FEES BILL 1981:** Mr Sinclair (Minister for Communications) presented a Bill for an Act to amend the *Television Stations Licence Fees Act 1964*, and for related purposes.

Bill read a first time.

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

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

- 9 **APPROPRIATION BILL (NO. 1) 1981-82:**

Estimates Committee C—Further consideration of report: The order of the day having been read for the resumption of the debate on the question—That the following proposed expenditures be agreed to:

Department of the Capital Territory, \$99,255,000
 Department of Science and Technology, \$408,171,000
 Department of Home Affairs and Environment, \$139,411,000
 Department of Communications, \$286,576,000
 Department of Administrative Services, \$430,349,000, and
 Attorney-General's Department, \$125,039,000.

Debate resumed.

Question—put and passed.

Consideration of report of Estimates Committee C concluded.

Estimates Committee F—Consideration of report:

Question proposed—That the following proposed expenditures be agreed to:

Department of Trade and Resources, \$356,371,000

Department of Industry and Commerce, \$125,574,000
 Department of National Development and Energy, \$94,932,000, and
 Department of Business and Consumer Affairs, \$148,848,000.

Debate ensued.

Question—put and passed.

Consideration of report of Estimates Committee F concluded.

Question—That the remainder of the Bill be agreed to—put and passed.

On the motion of Mr McVeigh (Minister for Housing and Construction), by leave, the Bill was read a third time.

10 APPROPRIATION BILL (NO. 2) 1981-82: 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Fife (Minister for Education), the Bill was read a third time.

11 STATES GRANTS (TERTIARY EDUCATION ASSISTANCE) BILL 1981: 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 having been resumed by Mr Dawkins—

Adjournment negatived: It being 10 p.m.—The question was proposed—That the House do now adjourn.

Mr Fife (Minister for Education) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Dawkins moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House is of the opinion that—

- (1) the University/College of Advanced Education amalgamations proposed in Newcastle, Armidale, Wollongong and Townsville should not proceed until arrangements satisfactory to both parties to the amalgamation have emerged;
- (2) those Colleges of Advanced Education in New South Wales and Victoria for which no satisfactory amalgamation proposal exists should be funded until proposals satisfactory to the staff and students of the colleges involved are determined, and
- (3) the Government should provide guarantees backed by special financial support to ensure that where amalgamations occur the—
 - (a) existing range of educational opportunities are maintained;
 - (b) employment security of staff is safeguarded, and
 - (c) academic integrity of the institutions is protected”.

Debate continued.

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

12 ADJOURNMENT: Mr Fife (Minister for Education) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 11.15 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 21 October 1981, pursuant to statute:

States Grants (Petroleum Products) Act—Amendments of the schedules to the subsidy schemes in relation to the States of Queensland and Western Australia, dated 14 October 1981.

Telecommunications Act—Australian Telecommunications Commission—
By-laws—
Telecommunications (Charging Zones and Charging Districts)—Amendment
No. 15.
Telecommunications (Community Calls)—Amendment No. 13.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Bouchier*, Mr Goodluck, Mr Jarman, Dr Jenkins, Mr Johnson*, Mrs Kelly, Mr Lusher, Mr Millar, Mr Ruddock, Mr Scholes and Mr Spender.

* On leave

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