

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 33

WEDNESDAY, 19 OCTOBER 1983

1 The House met, at 10.30 a.m., pursuant to adjournment. Mr Speaker (the Honourable Dr H. A. Jenkins) took the Chair, and read Prayers.

2 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Cadman, Mr Drummond, Dr Everingham, Mr Gayler, Mrs Kelly and Mr Ruddock—from certain citizens praying that chiropractic services be included in Medicare when it is introduced.

Mr Hodgman and Mr Newman—from certain citizens praying that the Sex Discrimination Bill be amended to prevent inconsistencies with the principles of justice and equality and that a conscience vote on the Bill be permitted to all Members of Parliament.

Mr Andrew—from certain citizens praying that the excise on grape spirit used in fortifying wine be either withdrawn or modified in its method of application and collection.

Mr Cadman—from certain citizens praying that the findings of the Major Airport Needs of Sydney Committee be endorsed and proposals for an airport at Scheyville, N.S.W., be rejected.

Mr Lusher—from certain citizens praying that the Sex Discrimination Bill and any subsequent uni-sex or anti-family legislation be opposed and that a select committee be established to conduct an inquiry into ways of strengthening and supporting the family as the basic unit of society.

Mr O'Neil—from certain residents of South Australia praying that legislation be enacted to ban the advertising of alcohol from commercial television and radio.

Mr Steedman—from certain citizens praying that the Omega base in Victoria be closed.

Petitions received.

3 **MESSAGE FROM THE SENATE—CONSTITUTION ALTERATION (ADVISORY JURISDICTION OF HIGH COURT) BILL 1983:** Message No. 93, dated 18 October 1983, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to alter the Constitution so as to confer an advisory jurisdiction on the High Court*".

Bill read a first time.

Mr Bowen (Minister representing the Attorney-General) moved—That the Bill be now read a second time.

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

- 4 **TRANSFER OF PRISONERS BILL 1983:** Mr Bowen (Minister representing the Attorney-General), pursuant to notice, presented a Bill for an Act to make provision for certain transfers of prisoners between the States and the Territories, and for related purposes.
 Bill read a first time.
 Mr Bowen moved—That the Bill be now read a second time.
 Debate adjourned (Mr Spender), and the resumption of the debate made an order of the day for the next sitting.
- 5 **TRANSFER OF PRISONERS (CONSEQUENTIAL AMENDMENTS) BILL 1983:** Mr Bowen (Minister representing the Attorney-General), pursuant to notice, presented a Bill for an Act to amend certain Acts in consequence of the enactment of the *Transfer of Prisoners Act 1983*, and for related purposes.
 Bill read a first time.
 Mr Bowen moved—That the Bill be now read a second time.
 Debate adjourned (Mr Spender), and the resumption of the debate made an order of the day for the next sitting.
- 6 **TORRES STRAIT TREATY (MISCELLANEOUS AMENDMENTS) BILL 1983:** Mr Hayden (Minister for Foreign Affairs) presented a Bill for an Act to amend certain Acts in consequence of the signing of the Treaty between Australia and the Independent State of Papua New Guinea that was signed at Sydney on 18 December 1978 and for other purposes.
 Bill read a first time.
 Mr Hayden moved—That the Bill be now read a second time.
 Debate adjourned (Mr MacKellar), and the resumption of the debate made an order of the day for the next sitting.
- 7 **TORRES STRAIT FISHERIES BILL 1983:** Mr Kerin (Minister for Primary Industry), pursuant to notice, presented a Bill for an Act relating to fisheries in certain waters between Australia and the Independent State of Papua New Guinea.
 Bill read a first time.
 Mr Kerin moved—That the Bill be now read a second time.
 Debate adjourned (Mr McVeigh), and the resumption of the debate made an order of the day for the next sitting.
- 8 **FAMILY LAW AMENDMENT BILL 1983:** 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 Adermann addressing the House—
 It being 12.45 p.m., the debate was interrupted in accordance with sessional order 101A, and the resumption of the debate made an order of the day for a later hour this day.
- 9 **MINISTERIAL ARRANGEMENTS:** Mr Hawke (Prime Minister) informed the House that, during the absence abroad of Senator Ryan (Minister for Education and Youth Affairs and Minister Assisting the Prime Minister for the Status of Women), Senator Button (Minister for Industry and Commerce) was acting as Minister for Education and Youth Affairs and Minister Assisting the Prime Minister for the Status of Women.
- 10 **QUESTIONS:** Questions without notice were asked.
- 11 **PAPER:** The following paper was presented:
 Department of Housing and Construction—Report for year 1982-83, including the 7th Annual Report for year 1982-83 by the Secretary, pursuant to the Homes Savings Grant Act and the Home Deposit Assistance Act.

- 12 **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:
 18 October 1983—Message—
 No. 66—Sales Tax (Exemptions and Classifications) Amendment 1983.
 No. 67—
 Dairy Industry Legislation Amendment 1983.
 Dairying Industry Research and Promotion Levy Amendment 1983.
 Dairy Industry Stabilization Levy Amendment 1983.
- 13 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—RESOURCE INDUSTRIES—URANIUM POLICY:** Mr Speaker informed the House that Mr Anthony (Leader of the National Party of Australia) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The threat to employment, investment and development in Australia's resource industries posed by the Government's continuing failure to reach agreement on uranium policy".
 The proposed discussion having received the necessary support—
 Mr Anthony addressed the House.
 Discussion ensued.
 Discussion concluded.
- 14 **PUBLIC ACCOUNTS COMMITTEE—REPORT—STATEMENT BY MEMBER:** Mr Cadman (Vice-Chairman) presented the following report from the Joint Committee of Public Accounts:
 204th Report—Expenditure from the Advance to the Minister for Finance (Appropriation Acts 1981-82)—
 and, by leave, made a statement in connection with the report.
- 15 **FAMILY LAW AMENDMENT BILL 1983:** 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.

—
In the committee

Clause 1—

Mr Cadman moved the following amendment: Page 1, line 5, omit "*Family Law*", substitute "*Marriage Dissolution*".

Debate continued.

Amendment negatived.

Clause agreed to.

Clauses 2 to 7, by leave, taken together, and agreed to.

Proposed new clause—

Mr Cadman moved—That the following new clause be inserted in the Bill:

Insertion of new section 15A

"7A. After section 15 of the Principal Act the following section is inserted:

Notice of separation

'15A. (1) A party to a marriage who is living separately and apart from the other party to the marriage may file in the Family Court or in the Family Court of a State a notice stating that the parties to the marriage have separated and are living separately and apart.

'(2) Where a notice is filed under sub-section (1) by a party to a marriage and where there are dependent children, the Principal Director of Court Counselling of the Family Court or the person who administers the counselling facilities of the Family Court of that State, as the case may be, shall, not later than 14 days after the filing of the notice, cause to be served on each party to the marriage a notice

requiring that party to attend at such respective times and places, and on such respective dates, as are specified in the notice—

- (a) an interview with a marriage counsellor; and
- (b) a conference with the other party to the marriage and that marriage counsellor,

for the purposes of—

- (c) considering the legal, social and financial consequences of a dissolution of the marriage and, in particular, the effects of a dissolution of the marriage on any children of the marriage; and
- (d) having regard to the consequences and effects referred to in paragraph (c), considering the possibility of a reconciliation.

“(3) Evidence of anything said or of any admission made at an interview or conference conducted pursuant to sub-section (2) is not admissible in any court (whether exercising federal jurisdiction or not) or in proceedings before a person authorized by a law of the Commonwealth or of a State or Territory, or by consent of parties, to hear evidence.”.

Debate ensued.

Question—That the new clause proposed to be inserted be so inserted—put.

The committee divided (the Chairman, Mr Johnson, in the Chair)—

AYES, 29

Mr Adermann	Mr Dobie	Mr Hunt	Mr Newman
Mr Aldred	Mr Drummond	Mr Katter	Mr O’Keefe
Mr Andrew	Dr H. R. Edwards	Mr Lloyd	Mr Robinson
Mr Anthony	Mr Fisher	Mr Lusher	Mr Sinclair
Mr Braithwaite	Mr Goodluck	Mr MacKellar	Mr Street
Mr Cadman	Mr Hawker	Mr McGauran	
Mr E. C. Cameron*	Mr Hicks*	Mr McVeigh	
Mr Cowan	Mr Hodgman	Mr Millar	

NOES, 71

Mr Baldwin	Mr Dawkins	Mr Keating	Mr Reeves
Mr Beddall	Mr Duffy	Mrs Kelly	Mr Ruddock
Mr Bilney	Mr R. F. Edwards	Mr Keogh	Mr Saunderson
Mr Blanchard	Dr Everingham	Mr Kerin	Mr Scott
Dr Blewett	Ms Fatin	Dr Klugman	Mr Simmons
Mr Bowen	Mr Free	Mr Lindsay	Mr Snow
Mr J. J. Brown	Mr Gayler	Ms McHugh	Mr Spender
Mr Brumby	Mr Gear	Mr Macphee	Mr Staples
Mr Burr	Mr Gorman	Mr Maher	Mr Steedman
Mr Campbell	Mr Griffiths	Mrs Mayer	Mr Tuckey
Mr Carlton	Mr Hall	Mr Mildren	Mr Uren
Mr Charles	Mr Hand	Mr Milton	Mr Wells
Dr Charlesworth	Mr Hayden	Mr A. A. Morris	Mr West
Mr Chynoweth	Mr Holding	Mr P. F. Morris	Mr White
Mr Cohen	Mr Hollis	Mr Mountford	Mr Willis
Mr Coleman	Mr Howard	Mr O’Neil	Mr Wilson
Mr Cross	Mr Humphreys*	Mr Porter	Mr Young
Mr Cunningham*	Mr Hurford	Mr Punch	

* Tellers

And so it was negatived.

Clauses 8 to 12, by leave, taken together, and agreed to.

Clause 13—

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

Page 8, lines 13 and 14, omit “by inserting after sub-section (2) the following sub-sections:”, substitute “(a) by inserting after sub-section (2) the following sub-sections:”.

Page 8, at the end of the clause add the following paragraph:

“; and (b) by omitting sub-section (2A) and substituting the following sub-section:

‘(2A) The Governor-General shall appoint—

- (a) the persons who, at the date of commencement of section 7 of the *Family Law Amendment Act 1983*, hold office as Judges of the Family Court of Western Australia; and
 - (b) any person who is subsequently appointed as a Judge of the Family Court of Western Australia,
- as Judges of the Family Court of Australia, and a person so appointed may serve in the office of Judge of the Family Court of Australia notwithstanding that he continues to hold, and serve in, the office of Judge of the Family Court of Western Australia.’”.

Debate continued.

Amendments negatived.

Clause agreed to.

Proposed new clause—

Mr Ruddock moved—That the following new clause be inserted in the Bill:

Salary and allowances

“13A. Section 25 of the Principal Act is amended by omitting from sub-section (1) ‘at such respective rates as are fixed from time to time by the Parliament’ and substituting the following: ‘, as follows:

- (a) the Chief Judge shall be paid salary, annual allowances and travelling allowances at the same rates as the President of the Australian Conciliation and Arbitration Commission; and
- (b) the Senior Judges, and Judges of the Family Court of Australia shall be paid salary, annual allowances and travelling allowances at the same rates as the Deputy Presidents of the Australian Conciliation and Arbitration Commission.’”.

Debate ensued.

Proposed new clause negatived.

Clauses 14 to 20, by leave, taken together, and agreed to.

Clause 21 debated and agreed to.

Clauses 22 and 23, by leave, taken together, and agreed to.

Clause 24—

Mr Cadman moved the following amendment: Page 16, at the end of the clause add the following paragraph:

“; and (c) by omitting from sub-section (2) ‘12 months’ and substituting ‘2 years.’”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clauses 25 to 34, by leave, taken together, and agreed to.

Proposed new clause—

Mr Ruddock moved—That the following new clause be inserted in the Bill:

Insertion of new section 74A

“34A. After section 74 of the Principal Act the following section is inserted:

Variations in maintenance payable in respect of children

‘74A. (1) The regulations may provide for the annual variation of orders for the payment of maintenance in respect of children by reference to variations in the cost of providing for a child ascertained from estimates of the cost of providing for a child published by the Australian Statistician.

‘(2) Where regulations have been made under sub-section (1), an order that is made under this Act for the payment of maintenance in respect of a child has effect, subject to any order of the court that made the first-mentioned order or of any other court, as from each anniversary of the making of the order as if the order had been varied in accordance with the regulations.’”.

It being 7.30 p.m.—Progress to be reported.

The House resumed; Mr Millar reported accordingly.

Adjournment negatived: The question was accordingly proposed—That the House do now adjourn.

Mr Bowen (Leader of the House) requiring the question to be put forthwith without debate—

Question—put and negatived.

The House again resolved itself into a committee of the whole.

—
In the committee

Debate ensued.

Proposed new clause negatived.

Clause 35—

Mr Cadman moved the following amendment:

Page 26, lines 33-41, omit proposed paragraph (f), substitute the following proposed paragraph:

“(f) the eligibility of either party for a pension, allowance or benefit under any superannuation fund or scheme, whether the fund or scheme was established, or operates, within or outside Australia, and the rate of any such pension, allowance or benefit being paid to either party;”.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Deputy Chairman, Mr Millar, in the Chair)—

AYES, 25

Mr Adermann	Mr Cowan	Mr Howard	Mr McVeigh
Mr Aldred	Mr Drummond	Mr Hunt	Mr Newman
Mr Andrew	Dr H. R. Edwards	Mr Katter	Mr O’Keefe
Mr Anthony	Mr Goodluck	Mr Lloyd	Mr Wilson
Mr Braithwaite	Mr Hawker	Mr Lusher	
Mr Cadman	Mr Hicks*	Mr MacKellar	
Mr E. C. Cameron*	Mr Hodgman	Mr McGauran	

NOES, 69

Mr Baldwin	Mr Dawkins	Mr Hurford	Mr Punch
Mr Beddall	Mr Dobie	Mr Johnson	Mr Reeves
Mr Bilney	Mr Duffy	Mr Keating	Mr Ruddock
Mr Blanchard	Mr R. F. Edwards	Mrs Kelly	Mr Saunderson
Dr Blewett	Dr Everingham	Mr Keogh	Mr Scott
Mr Bowen	Ms Fatin	Mr Kerin	Mr Simmons
Mr J. J. Brown	Mr Fisher	Mr Lindsay	Mr Sinclair
Mr Brumby	Mr Free	Ms McHugh	Mr Snow
Mr Burr	Mr Gayler	Mr Macphee	Mr Spender
Mr Campbell	Mr Gear	Mr Maher	Mr Staples
Mr Carlton	Mr Gorman	Mrs Mayer	Mr Steedman
Mr Charles	Mr Griffiths	Mr Mildren	Mr Wells
Dr Charlesworth	Mr Hall	Mr Milton	Mr West
Mr Chynoweth	Mr Hand	Mr A. A. Morris	Mr Willis
Mr Cohen	Mr Hayden	Mr P. F. Morris	Mr Young
Mr Coleman	Mr Holding	Mr Mountford	
Mr Cross	Mr Hollis	Mr O’Neil	
Mr Cunningham*	Mr Humphreys*	Mr Porter	

* Tellers

And so it was negatived.

Mr Ruddock moved the following amendment: Page 27, at the end of the clause add the following paragraph:

“; and (d) by omitting paragraph (2) (o) and substituting the following paragraph:
 ‘(o) any fact of circumstances, including any conduct of the parties to the matrimonial relationship, which, in the opinion of the court, the justice of the case requires to be taken into account.’”.

Debate continued.

Amendment negated.

Clause agreed to.

Clause 36 agreed to.

Clause 37—

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

Page 31, line 35, omit “sub-section”, substitute “sub-sections”.

Page 31, at the end of the clause add the following sub-section:

“(4) Proceedings for the setting aside of an order under this section shall not be instituted until leave has been obtained from the court in which the proceedings are to be instituted.”.

Debate continued.

Amendments negated.

Clause agreed to.

Clauses 38 to 52, by leave, taken together, and agreed to.

Clause 53 debated.

Question—That the clause be agreed to—put.

The committee divided (the Chairman, Mr Johnson, in the Chair)—

AYES, 58

Mr Baldwin	Mr Cunningham*	Mr Hollis	Mr Porter
Mr Beazley	Mr Dawkins	Mr Humphreys*	Mr Punch
Mr Beddall	Mr Dobie	Mr Jones	Mr Reeves
Mr Bilney	Mr Duffy	Mr Keating	Mr Ruddock
Mr Blanchard	Mr R. F. Edwards	Mr Keogh	Mr Saunderson
Dr Blewett	Dr Everingham	Mr Lindsay	Mr Scott
Mr Bowen	Ms Fatin	Ms McHugh	Mr Simmons
Mr J. J. Brown	Mr Free	Mr Maher	Mr Snow
Mr Brumby	Mr Gayler	Mrs Mayer	Mr Staples
Mr Campbell	Mr Gear	Mr Mildren	Mr Steedman
Mr Charles	Mr Gorman	Mr Milton	Mr Wells
Dr Charlesworth	Mr Griffiths	Mr A. A. Morris	Mr West
Mr Chynoweth	Mr Hall	Mr P. F. Morris	Mr Willis
Mr Cohen	Mr Hand	Mr Mountford	
Mr Cross	Mr Hayden	Mr O'Neil	

NOES, 26

Mr Adermann	Mr Cowan	Mr Hunt	Mr Newman
Mr Aldred	Mr Fisher	Mr Lloyd	Mr O'Keefe
Mr Andrew	Mr Goodluck	Mr Lusher	Mr Sinclair
Mr Braithwaite	Mr Hawker	Mr MacKellar	Mr Tuckey
Mr Cadman	Mr Hicks*	Mr McGauran	Mr Wilson
Mr E. C. Cameron*	Mr Hodgman	Mr McVeigh	
Mr Coleman	Mr Howard	Mr Millar	

* Tellers

And so it was resolved in the affirmative.

Clauses 54 to 67, by leave, taken together, and agreed to.

Clause 68—

Mr Ruddock moved the following amendment: Page 51, before paragraph (1) (a) insert the following paragraphs:

“(aa) by inserting in sub-section (2) ‘magistrates,’ after ‘judges;’

“(ab) by inserting in sub-section (2) ‘, Senators, Members of the House of Representatives’ after ‘organizations;’”.

Debate continued.

Amendment negated.

Clause agreed to.

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

Bill to be reported without amendment.

The House resumed; Mr Johnson reported accordingly.

On the motion of Mr Bowen (Minister representing the Attorney-General), the House adopted the report, and, by leave, the Bill was read a third time.

16 **MIGRATION AMENDMENT (EMIGRATION OF CERTAIN CHILDREN) BILL 1983:** 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 Bowen (Minister representing the Attorney-General), the Bill was read a third time.

17 **ADJOURNMENT:** Mr Bowen (Leader of the House) moved—That the House do now adjourn.

Debate ensued.

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

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

And the question—That the House do now adjourn—was put accordingly, and passed.

And then the House, at 9.02 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 19 October 1983:

Conciliation and Arbitration Act—Regulations—Statutory Rules 1983, No. 217.

Defence Amendment Act—Interim Determination—Statutory Rules 1983, No. 223.

Long Service Leave (Commonwealth Employees) Act—Regulation—Statutory Rules 1983, No. 218.

Postal Services Act—Australian Postal Commission—By-laws—Postal (Staff)—1983—Amendment No. 1.

Protection of the Sea (Civil Liability) Act—Regulations—Statutory Rules 1983, Nos. 221, 222.

Protection of the Sea (Powers of Intervention) Act—Regulations—Statutory Rules 1983, No. 220.

Seat of Government (Administration) Act—

Ordinances—1983—

No. 30—Flammable Liquids (Amendment).

No. 45—Crimes (Amendment) (No. 2).

No. 47—Cemeteries (Amendment).

No. 48—Careless Use of Fire (Amendment).

No. 49—Canberra Theatre Trust (Amendment) (No. 2).

No. 50—Milk Authority (Amendment).

No. 51—Canberra Commercial Development Authority (Amendment).

Telecommunications Act—Australian Telecommunications Commission—By-laws—

Telecommunications (Charging Zones and Charging Districts)—Amendment No. 38.

Telecommunications (Community Calls)—Amendment No. 31.

Telecommunications (General)—Amendment No. 38.

Telecommunications (Staff)—Amendment No. 43.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr R. J. Brown, Mr I. M. D. Cameron, Mrs Child, Mr Connolly, Mrs Darling, Mr Fife*, Mr Fry, Mr Groom, Mr Jacobi, Mr Kent, Mr McLeay, Mr Morrison, Mr Rocher and Dr Theophanous.

* On leave

D. M. BLAKE
Clerk of the House of Representatives