

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 100

WEDNESDAY, 10 OCTOBER 1984

- 1 The House met, at 10 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, Mr Ruddock and Mr Uren—from certain citizens praying that the national flag not be changed except by a referendum.
 - Mr E. C. Cameron, Mr Hawker and Mr McArthur—from certain citizens in similar terms.
 - Mr D. M. Cameron, Mr Carlton and Mr Ruddock—from certain citizens praying that the term of the Costigan Commission be extended, all necessary resources be provided to enable it to conclude its investigations and Parliament not be dissolved until its report has been fully debated by both Houses.
 - Mr Hunt, Mr Lusher and Mr Snow—from certain citizens praying that the ordinance superseding the ACT Objectionable Publications Ordinance be disallowed and certain other action be taken in relation to censorship matters.
 - Mr Braithwaite and Mr Millar—from certain citizens praying that certain action be taken against the importation and distribution of pornographic and obscene materials, and entitlements of de facto spouses of Parliamentarians and homosexual partners of ABC employees.
 - Mr D. M. Cameron and Mr Ruddock—from certain citizens praying that the laws which banned the entry and sale of hard-core and violent pornography be re-enacted.
 - Mrs Darling and Mr Millar—from certain residents of Queensland praying that no action be taken to change the national flag.
 - Mr Beddall—from certain citizens praying that certain action be taken towards pursuing a policy of armed neutrality without aligning with any nuclear armed nation.
 - Mr Cadman—from certain citizens praying that chiropractic services be included in Medicare when it is introduced.
 - Mr D. M. Cameron—from certain citizens praying that the ACT Classification of Publications Ordinance be repealed.
 - Mr E. C. Cameron—from certain citizens praying that certain action be taken against the importation and distribution of pornographic and obscene materials.
 - Mr E. C. Cameron—from certain elected representatives and officers of local governments praying that funds raised through indexation of the Australian Bicentennial Road Development Program levy be used for road construction work.
 - Mr Cowan—from certain citizens praying that the Army be directed to re-classify the Taree Open Cadet Unit as an open, community-based, regional cadet unit.

- Mrs Darling—from certain citizens praying that, when the redeveloped Brisbane Airport becomes operative, no jet aircraft use the crosswind runway and the curfew be maintained from 10 p.m. to 6 a.m.
- Mr Drummond—from certain citizens praying that a parliamentary committee be established to inquire into and report on the effects of pornography.
- Mr Drummond—from certain citizens praying that the existing national flag remain sacrosanct.
- Mr Keogh—from certain citizens praying that consideration be given to legislating to prohibit importation of certain pornographic materials.
- Mr Lusher—from certain citizens praying that those laws which automatically increase the excise on beer, following an increase in the consumer price index, be repealed.
- Mr Lusher—from certain citizens praying that those laws which automatically increase the price of petrol, following an increase in the consumer price index, be repealed.
- Mr Millar—from certain citizens praying that the imperial system of weights and measures be restored.
- Mr Millar—from certain citizens praying that the decision to alter the ACT Classification of Publications Ordinance be abandoned.
- Mr O'Keefe—from certain citizens praying that no further action be taken in respect of territorial or local government in the Australian Capital Territory until the findings of the inquiry into ACT finances have been made public and a further referendum of electors has been held.
- Mr Ruddock—from certain citizens praying that proposed assets test legislation be abandoned and that action be taken to institute a retirement income policy which is fair and equitable.
- Mr Scott—from certain citizens praying that residents of rest homes be funded equally to those in other institutions.
- Mr Scott—from certain citizens praying that there be no increase in State aid to private schools and that the primary obligation to government schools be re-affirmed.
- Mr Scott—from certain citizens praying that the Government negotiate with the ACTU for taxation relief for lower and middle income earners and improvements to the social wage.
- Mr Scott—from certain citizens praying that the export of kangaroo products be banned and action be taken to prohibit the commercial killing of kangaroos.

Petitions received.

3 REGIONAL COMMERCIAL TELEVISION SERVICES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Duffy (Minister for Communications), by leave, made a ministerial statement informing the House of the Government's intentions for the provision of commercial television services to remote areas, and presented the following paper:

Regional commercial television services—Ministerial statement, 10 October 1984.

Mr Howe (Minister for Defence Support) moved—That the House take note of the paper.

Debate ensued.

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

4 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL 1984: The following message from the Senate was reported:

Mr Speaker,

Message No. 290

The Senate returns to the House of Representatives the Bill for "*An Act to amend various laws relating to taxation, and for other purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the

annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

The Senate,
Canberra, 9 October 1984

D. McCLELLAND
President

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 16, paragraph 37 (a), line 16, leave out “and”.

No. 2—Page 16, clause 37, after paragraph (a), insert the following new paragraph:

“(aa) by omitting paragraph (c) and substituting the following paragraph:

‘(c) the Commissioner shall—

(i) refund the amount of any tax overpaid as a result of the variation of the prescribed decision; or

(ii) apply the amount of any tax overpaid as a result of the variation of the prescribed decision against any liability of the person to the Commonwealth and refund any part of the amount that is not so applied’; and”.

No. 3—Page 16, paragraph 38 (a), line 26, leave out “and”.

No. 4—Page 16, clause 38, after paragraph (a), insert the following new paragraph:

“(aa) by omitting paragraph (c) and substituting the following paragraph:

‘(c) the Commissioner shall—

(i) refund the amount of any tax overpaid as a result of the variation of the assessment; or

(ii) apply the amount of any tax overpaid as a result of the variation of the assessment against any liability of the person to the Commonwealth and refund any part of the amount that is not so applied’; and”.

No. 5—Page 18, paragraph 44 (d), proposed paragraph 3 (1) (g), line 27, after “221YHD (1)”, insert “or (1D)”.

No. 6—Page 52, clause 137, proposed sub-section 221YHJ (1), line 29, before “remains”, insert “or sub-paragraph 221YHD (1D) (c) (i)”.

No. 7—Page 130, clause 297, proposed new sub-paragraph 8J (3) (a) (ii), line 24, leave out “or”.

No. 8—Page 130, clause 297, at end of proposed new sub-section 8J (3), add the following new word and paragraph:

“; or (c) an offence against section 29D or 86A of the *Crimes Act 1914*, being an offence that relates to a tax liability.”.

No. 9—Page 137, clause 297, proposed new paragraph 8Z (1) (c), line 28, leave out “or” (last occurring).

No. 10—Page 137, clause 297, after proposed new paragraph 8Z (1) (c), insert the following new paragraph:

“(ca) the conviction of a person of an offence against section 29D or 86A of the *Crimes Act 1914*, being an offence that relates to a tax liability; or”.

No. 11—Page 156, clause 323, proposed sub-sub-paragraph 10 (1) (a) (iii) (B), line 34, leave out “commencement of section 10A”, insert “day on which the *Taxation Laws Amendment Act 1984* received the Royal Assent”.

No. 12—Page 169, after clause 358, insert the following new clause:

Default assessments

“358A. Section 40 of the Principal Act is amended by omitting sub-sections (2) and (3).”.

No. 13—Page 176, sub-clause 381 (4), line 21, leave out “sections 38 and 40”, insert “section 38”.

No. 14—Page 176, paragraph 381 (4) (a), line 23, leave out “, 40 (3)”.

No. 15—Page 176, clause 381, after sub-clause (4), insert the following new sub-clause:

“(4A) Notwithstanding the amendment of section 40 of the Principal Act made by this Act, sub-section 40 (3) of the Principal Act continues to apply, after the commencement of this section, in relation to a liability for additional tax that accrued before that commencement, as if that amendment had not been made.”

No. 16—Page 193, Schedule 6, amendment of paragraph 221YHD (3) (b) of the *Income Tax Assessment Act 1936*, leave out “after ‘sub-sub-paragraph (1) (b) (v) (A)’”, insert “from and including ‘applies—’ to the end of the paragraph”.

On the motion of Mr Keating (Treasurer), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr Drummond reported accordingly.

On the motion of Mr Keating, the House adopted the report.

5 MESSAGE FROM THE SENATE—INCOME TAX ASSESSMENT AMENDMENT BILL (NO. 4) 1984: The following message from the Senate was reported:

Message No. 291

Mr Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to amend the law relating to income tax*”, and acquaints the House that the Senate has agreed to the Bill with the Amendment indicated by the annexed Schedule, in which Amendment the Senate requests the concurrence of the House of Representatives.

The Senate,
Canberra, 9 October 1984

D. McCLELLAND
President

Ordered—That the amendment be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Page 6, sub-clause 9 (3), lines 17 to 19, leave out the sub-clause, insert the following sub-clauses:

“(3) Sub-paragraph 78 (1) (a) (lxxxi), and paragraph 78 (1) (ac), of the *Income Tax Assessment Act 1936* apply to gifts made after 21 August 1984.

“(4) Paragraph 78 (1) (ad) of the *Income Tax Assessment Act 1936* applies to gifts made after 30 June 1982.”

On the motion of Mr Keating (Treasurer), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Drummond reported accordingly.

On the motion of Mr Keating, the House adopted the report.

6 MESSAGE FROM THE SENATE: A message from the Senate was reported returning the following Bill without amendment:

9 October 1984—Message No. 292—Income Tax (International Agreements) Amendment 1984.

7 AUTOMOTIVE INDUSTRY AUTHORITY BILL 1984: 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.

The House divided (the Deputy Speaker, Mr Drummond, in the Chair)—

AYES, 66

Mr Baldwin	Mr Cunningham*	Mrs Kelly	Mr Punch
Mr Beazley	Mrs Darling	Mr Kent	Mr Reeves
Mr Beddall	Mr Duffy	Mr Keogh	Mr Saunderson
Mr Biney	Mr R. F. Edwards	Mr Kerin	Mr Scholes
Mr Blanchard	Ms Fatin	Dr Klugman	Mr Scott
Dr Blewett	Mr Free	Mr Lindsay	Mr Simmons
Mr Bowen	Mr Gayler	Ms McHugh	Mr Snow
Mr J. J. Brown	Mr Gear	Mr McLeay	Mr Steedman
Mr R. J. Brown	Mr Gorman	Mr Maher	Dr Theophanous
Mr Brumby	Mr Griffiths	Mrs Mayer	Mr Tickner
Mr Campbell	Mr Hand	Mr Mildren	Mr Uren
Mr Charles	Mr Hayden	Mr Milton	Mr Wells
Dr Charlesworth	Mr Hollis	Mr A. A. Morris	Mr West
Mrs Child	Mr Howe	Mr P. F. Morris	Mr Willis
Mr Chynoweth	Mr Humphreys*	Mr Morrison	Mr Young
Mr Cohen	Mr Jones	Mr Mountford	
Mr Cross	Mr Keating	Mr O'Neil	

NOES, 41

Mr Adermann	Mr Connolly	Mr Hunt	Mr Robinson
Mr Andrew	Mr Cowan	Mr Lloyd	Mr Rocter
Mr Blunt	Mr Dobie	Mr Lusher	Mr Shipton
Mr Braithwaite	Dr H. R. Edwards	Mr McArthur	Mr Sinclair
Mr Burr	Mr Fife	Mr McGauran	Mr Spender
Mr Cadman	Mr Fisher	Mr McVeigh	Mr Tuckey
Mr D. M. Cameron	Mr Goodluck	Mr Macphee	Mr White
Mr E. C. Cameron*	Mr Groom	Mr Millar	Mr Wilson
Mr I. M. D. Cameron	Mr Hall	Mr Moore	
Mr Carlton	Mr Hicks*	Mr O'Keefe	
Mr Coleman	Mr Howard	Mr Porter	

* Tellers

And so it was resolved in the affirmative—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr J. J. Brown (Minister Assisting the Minister for Industry and Commerce), the Bill was read a third time.

- 8 **INDUSTRIES ASSISTANCE COMMISSION AMENDMENT BILL 1984:** 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.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Moore moved the following amendment: Clause 13, page 6, line 30, omit "Sections 23A and 24 of the Principal Act are repealed", substitute "Section 23A of the Principal Act is repealed".

Debate continued.

Amendment negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mrs Child reported accordingly.

On the motion of Mr J. J. Brown (Minister Assisting the Minister for Industry and Commerce), the House adopted the report, and, by leave, the Bill was read a third time.

- 9 **TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL (NO. 2) 1984:** 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 Spender who 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 a royal commission should be established with terms of reference to investigate and report upon—

- (1) the origins of the tapes and documents—the subject of the Bill;
- (2) the authenticity of the information contained in and upon the said tapes and documents;
- (3) whether such information reveals any offences against laws of the Commonwealth;
- (4) whether, arising from such information, any criminal charges should be laid;
- (5) whether any action has already been taken by any law enforcement agency arising out of the said information, and
- (6) whether any immunities should be granted to any person to enable the royal commission fully to investigate the above matters”.

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.

- 10 **QUESTIONS:** Questions without notice were asked.

- 11 **BROADCASTING OF PARLIAMENTARY PROCEEDINGS—JOINT COMMITTEE—REPORT (UNFINISHED INQUIRY):** Mr Speaker (Chairman) presented the following report from the Joint Committee on the Broadcasting of Parliamentary Proceedings:

Report that the committee had been unable to complete its inquiry into televising and radio broadcasting of both Houses of Parliament, together with a copy of the minutes of proceedings and the transcript of evidence.

- 12 **PAPER:** Mr Speaker presented the following paper:

Commonwealth Banks Act—Commonwealth Banking Corporation—Commonwealth Bank of Australia, Commonwealth Savings Bank of Australia and Commonwealth Development Bank of Australia—Reports and financial statements, together with the Auditor-General’s Report, for year 1983-84.

- 13 **PAPERS:** The following papers were presented:

Aboriginal and Islander broadcasting and communications—Report of Task Force—Out of the silent land, dated 28 August 1984.

Accounting Standards Review Board—Report for period 1 January to 30 June 1984, together with statement by Senator Evans, Attorney-General.

Australian Veterans’ Health Studies—The mortality report, dated 7 September 1984, together with statement by Senator Gietzelt, Minister for Veterans’ Affairs—

Part I—A retrospective cohort study of mortality among Australian national servicemen of the Vietnam conflict era, and an executive summary of the mortality report.

Part II—Factors influencing mortality rates of Australian national servicemen of the Vietnam conflict era.

Part III—The relationship between aspects of Vietnam service and subsequent mortality among Australian national servicemen of the Vietnam conflict era.

Commonwealth Legal Aid Council—Legal needs of social security claimants—Report, dated October 1983, by Department of Social Work, University of Queensland, together with statement by Senator Evans, Attorney-General and Senator Grimes, Minister for Social Security.

Department of Finance—Report for year 1983-84.

Department of Housing and Construction—Report for year 1983-84, including the Report for year 1983-84 by the Secretary, pursuant to the Homes Savings Grant Act, the Home Deposit Assistance Act and the First Home Owners Act.

Film Censorship Board—Report on activities, for 1983, together with statement by Senator Evans, Attorney-General.

Finance—Advance to the Minister for Finance—Statement for August 1984.

Independent Air Fares Committee Act—Independent Air Fares Committee—3rd Annual Report, for year 1983-84.

Industries Assistance Commission—Report—Injection moulding machines and parts, dated 28 February 1984 (No. 342).

Industries Assistance Commission Act—Temporary Assistance Authority—Report for year 1983-84.

Law Reform Commission Act—Law Reform Commission—Report No. 24—Foreign State immunity, together with statement by Senator Evans, Attorney-General.

Parliament Act—Proposal, together with site plan and design sketches, for the construction, within the Parliamentary zone, of a National Archive and Exposition building.

Trade Practices Act—Trade Practices Commission—10th Annual Report, for year 1983-84, together with statement by Senator Evans, Attorney-General.

- 14 **MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILL:** A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bill:

9 October 1984—Message No. 198—Repatriation Legislation Amendment 1984.

- 15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH CARE SYSTEM—LONG-TERM SICK AND ELDERLY:** Mr Speaker informed the House that Mr Carlton had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The acute crisis faced by the Australian health care system in dealing with the problems of the long-term sick and elderly".

The proposed discussion having received the necessary support—

Mr Carlton addressed the House.

Discussion ensued.

Discussion concluded.

- 16 **ABORIGINAL AFFAIRS—STANDING COMMITTEE—REPORT (UNFINISHED INQUIRY):** Mr Hand (Chairman) presented the following report from the Standing Committee on Aboriginal Affairs:

Report, dated October 1984, that the committee had been unable to complete its inquiry into Aboriginal education, together with a copy of the minutes of proceedings and the transcript of evidence.

Ordered—That the report be printed.

- 17 **EXPENDITURE—STANDING COMMITTEE—REPORTS—STATEMENT BY MEMBER:** Mr McLeay (Chairman) presented the following reports from the Standing Committee on Expenditure:

In a home or at home: Accommodation and home care for the aged—Follow-up report, dated October 1984, together with a copy of the minutes of proceedings, the transcript of evidence and submissions authorised for publication.

Work and progress, dated October 1984, being a report that the committee had been unable to complete its inquiries.

Ordered—That the reports be printed.

Mr McLeay, by leave, made a statement in connection with the report on accommodation and home care for the aged.

- 18 **PUBLIC ACCOUNTS COMMITTEE—REPORT—STATEMENT BY MEMBER:** Dr Theophanous presented the following report from the Joint Committee of Public Accounts:

224th Report—Collection of excise and deferred customs duties—
and, by leave, made a statement in connection with the report.

- 19 **PUBLIC WORKS COMMITTEE—REPORT:** Mr Fife (Vice-Chairman) presented the following report from the Parliamentary Standing Committee on Public Works:

Report relating to improvements to on-base housing, RAAF Base, Darwin (18th report of 1984).

- 20 **ABORIGINAL AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER:** Mr Porter, by leave, made a statement relating to the Standing Committee on Aboriginal Affairs, report that the committee had been unable to complete its inquiry into Aboriginal education.

- 21 **AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER:** Mr Cunningham, by leave, presented the following paper:

Australian Parliamentary Delegation—Report of delegation led by Mr B. Cunningham, MP, to New Zealand, June 1984—
and, by leave, made a statement in connection with the report.

- 22 **POSTPONEMENT OF ORDER OF THE DAY:** Ordered—That order of the day No. 4, government business, be postponed until a later hour this day.

- 23 **SUBTRANSMISSION DEVELOPMENT, TUGGERANONG, ACT—APPROVAL OF WORK:** Mr Dawkins (Acting Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: 132kV subtransmission development, Tuggeranong, ACT.

Debate ensued.

Question—put and passed.

- 24 **NATIONAL CRIME AUTHORITY, SYDNEY—ACCOMMODATION—APPROVAL OF WORK:** Mr Dawkins (Acting Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, and by reason of the urgent nature of the work, it is expedient that the following proposed work be carried out without having been referred to the Parliamentary Standing Committee on Public Works: Accommodation for the National Crime Authority, Sydney.

Debate ensued.

Question—put and passed.

- 25 **HOBART AIRPORT—EXTENSION OF RUNWAY AND TERMINAL FACILITIES—APPROVAL OF WORK:** Mr Dawkins (Acting Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, and by reason of the urgency related to implementation of the work, it is expedient that the following proposed work be carried out without having been referred to the Parliamentary Standing Committee on Public Works: Extension of runway and terminal facilities, Hobart Airport.

Debate ensued.

Question—put and passed.

- 26 **TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL (NO. 2) 1984:** 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—*And on the amendment moved thereto by Mr Spender (see entry No. 9)*—
 Debate resumed.
 Amendment negatived.
 Question—That the Bill be now read a second time—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.
- 27 **INCOME TAX ASSESSMENT AMENDMENT BILL 1984 [NO. 2]:** 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 Jones (Minister for Science and Technology), the Bill was read a third time.
- 28 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:
 10 October 1984—Message—
 No. 295—Air Navigation (Charges) Amendment 1984.
 No. 296—Air Navigation Amendment (No. 2) 1984.
 No. 297—Qantas Airways Limited (Loan Guarantee) 1984.
- 29 **MESSAGE FROM THE SENATE—PETROLEUM RETAIL MARKETING FRANCHISE AMENDMENT BILL 1984:** Message No. 293, dated 9 October 1984, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Petroleum Retail Marketing Franchise Act 1980', and for related purposes*".
 Bill read a first time.
 Mr J. J. Brown (Minister Assisting the Minister for Industry and Commerce) moved—That the Bill be now read a second time.
 Debate adjourned (Mr Hunt—Deputy Leader of the National Party of Australia), and, by leave, the resumption of the debate made an order of the day for a later hour this day.
- 30 **MESSAGE FROM THE SENATE—PETROLEUM RETAIL MARKETING SITES AMENDMENT BILL 1984:** Message No. 294, dated 9 October 1984, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Petroleum Retail Marketing Sites Act 1980', and for related purposes*".
 Bill read a first time.
 Mr J. J. Brown (Minister Assisting the Minister for Industry and Commerce) moved—That the Bill be now read a second time.
 Debate adjourned (Mr Hunt—Deputy Leader of the National Party of Australia), and, by leave, the resumption of the debate made an order of the day for a later hour this day.
- 31 **PETROLEUM RETAIL MARKETING FRANCHISE AMENDMENT BILL 1984:** 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 J. J. Brown (Minister Assisting the Minister for Industry and Commerce), the Bill was read a third time.

- 32 **PETROLEUM RETAIL MARKETING SITES AMENDMENT BILL 1984:** 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 J. J. Brown (Minister Assisting the Minister for Industry and Commerce), the Bill was read a third time.
- 33 **PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 1984:** 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.
 The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

On the motion of Mr J. J. Brown (Minister Assisting the Minister for Industry and Commerce), the following amendment was made, after debate: Clause 12, page 3, lines 35-39, omit proposed sub-section (5), substitute the following sub-section:

“(5) Without limiting the matters that may be taken into account by the Joint Authority in determining whether to give a direction under sub-section (3) or (4), the Joint Authority may take into account matters relating to the effects on Commonwealth revenue of the proposed direction, but the Joint Authority shall not give a direction under sub-section (3) or (4) if the direction would require action to be taken that is contrary to good oil-field practice.”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The House resumed; Mr Mildren reported accordingly.

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

- 34 **AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1984:** 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 Hall who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the provisions of the Bill, the House is of the opinion that legislation should be introduced to constitute formally the Australian Protective Service”.
 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.

On the motion of Mr Young (Special Minister of State), by leave, the following amendments were made together:

Amendment—

Clause 2, page 1, line 9, omit “and sub-sections 18 (2) and (3)”.

New clause—

Page 5, after clause 16 insert the following new clause:

Regulations may provide for certain other terms and conditions

“16A. Section 40 of the Principal Act is amended by inserting in paragraph (c) ‘to positions in such ranks as are prescribed’ after ‘other members’.”.

Amendment—

Clause 18, page 5, omit the clause, substitute the following clause:

Transitional and consequential

“18. (1) Where, immediately before the commencement day, a person held a commissioned rank in the prescribed component by virtue of an appointment, promotion or transfer to that rank under sub-section 25 (1) of the Principal Act, the person holds, on and after the commencement day, such position within that commissioned rank as is specified in writing by the Commissioner as if the person had been appointed, promoted or transferred, as the case may be, to that position within that rank under sub-section 25 (1) of the amended Act.

“(2) Where, immediately before the commencement day, a person held a non-commissioned rank in the prescribed component by virtue of an appointment, promotion or transfer to that rank under sub-section 26 (1) of the Principal Act, the person holds, on and after the commencement day, such position within that non-commissioned rank as is specified in writing by the Commissioner as if the person had been appointed, promoted or transferred, as the case may be, to that position within that rank under sub-section 26 (1) of the amended Act.

“(3) Where, immediately before the commencement day, a direction by the Commissioner under sub-section 25 (2) or 26 (1) of the Principal Act to a person to act in a commissioned rank, or in a non-commissioned rank, within the prescribed component was in force, the direction has effect, on and after the commencement day, as if it were a direction given by the Commissioner under sub-section 25 (2) or 26 (1), as the case requires, of the amended Act to the person to act in such position within that rank as is specified in writing by the Commissioner.

“(4) Where, immediately before the commencement day, an appointment under section 27 of the Principal Act of a person as a special member of the Australian Federal Police to assist in the performance of the functions of the prescribed component was in force, the appointment has effect, on and after the commencement day, as if the person had been appointed as a special member of the Australian Federal Police under section 27 of the amended Act with such powers and duties as were specified in the instrument of appointment of the person.

“(5) An oath or affirmation made and subscribed before the commencement day in pursuance of a provision of the Principal Act by a person to whom sub-section (1), (2) or (4) of this section applies has effect on and after that day, while the person continues to be a member or a special member of the Australian Federal Police, as if it had been made and subscribed in pursuance of the corresponding provision of the amended Act.

“(6) Where, immediately before the commencement day, a person held a rank in the prescribed component by virtue of a transfer to that rank under section 39 of the Principal Act, the person holds, on and after the commencement day, such position within that rank as is specified by the Commissioner as if the person had been transferred to that position within that rank under section 39 of the amended Act.

“(7) Where notification of a selection for promotion was published under regulation 17 of the Australian Federal Police Regulations before the commencement day, any appeal arising out of that selection shall be dealt with, or continue to be dealt with, as the case requires, as if the amendments of the Principal Act made by the provisions of this Act that come into operation on that day had not been made, but any promotion following the disposal of any such appeal shall be made in accordance with the amended Act.

“(8) Notwithstanding the amendment of section 68 of the Principal Act made by section 17 of this Act, paragraphs (1) (f) and (h) of that section of the Principal Act as in force before that amendment continue to apply, on and after the commencement day, in relation to any matter or thing that occurred before the commencement day.

“(9) Where, immediately before the commencement day, there was in force with respect to a member of the component of the Australian Federal Police referred to in sub-section 7 (2) of the Principal Act an instrument signed by the Commissioner, or a delegate of the Commissioner, retiring the member from the Australian Federal Police under section 38 of the Principal Act with effect on and from a day (in this sub-section referred to as the ‘retirement day’) after the commencement day, the member shall, until the retirement day, continue to be a member of the Australian Federal Police on the same terms and conditions of service that were, immediately before the commencement day, applicable to the member.

“(10) The *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*² is amended—

- (a) by omitting sub-section 2 (2); and
- (b) by omitting from Schedule 1 the amendments of section 36 of the *Australian Federal Police Act 1979*.

“(11) The *Statute Law (Miscellaneous Provisions) Act (No. 2) 1983*³ is amended—

- (a) by omitting from sub-section 6 (2) ‘and by the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*’; and
- (b) by omitting from Schedule 1 the amendments of sections 25, 26, 26A, 36 and 39 of the *Australian Federal Police Act 1979*.

“(12) In this section—

‘amended Act’ means the Principal Act as in force on and after the commencement day;

‘commencement day’ means the day fixed under sub-section 2 (2);

‘prescribed component’ means the component of the Australian Federal Police referred to in sub-section 7 (1) of the Principal Act as in force before the commencement day.”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Drummond reported accordingly.

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

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

Debate ensued.

Several Members rising to address the House—

Closure: Mr Young 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 10.08 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 10 October 1984:

Defence Act—Determinations—1984—

No. 47—Reserve Allowance.

No. 48—Attendance Allowance.

No. 49—Operation Anon Allowance.

Health Insurance Act—Statement of particulars of ministerial determination made pursuant to section 106AA relating to Dr Leopold Richard Klimowski, dated 2 October 1984.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Aldred, Dr Everingham, Mr Fry, Mr Hodgman, Mr Hurford, Mr Jacobi, Mr Katter and Mr Newman.

D. M. BLAKE
Clerk of the House of Representatives