

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 126

TUESDAY, 14 OCTOBER 1986

- 1 The House met, at 2 p.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.
- 2 **MINISTERIAL ARRANGEMENTS:** Mr Hawke (Prime Minister) informed the House that, during the absence abroad of Mr J. J. Brown (Minister for Sport, Recreation and Tourism), Mr P. F. Morris (Minister for Transport) was acting as Minister for Sport, Recreation and Tourism.
- 3 **QUESTIONS:** Questions without notice were asked.
- 4 **DEFENCE AND THE 1986-87 BUDGET—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS:** Mr Beazley (Minister for Defence), by leave, made a ministerial statement outlining features of the Government's defence policies and programs in the context of the 1986-87 Budget and presented the following papers:
 Defence and the 1986-87 Budget—Ministerial statement, 14 October 1986.
 Public Service Act—Defence Report for 1985-86.
 Mr Dawkins (Minister for Trade) moved—That the House take note of the papers.
Suspension of standing orders—Extended time for speech: Mr Beazley, by leave, moved—That so much of the standing orders be suspended as would prevent Mr Sinclair (Leader of the National Party of Australia) speaking for a period not exceeding 35 minutes.
 Question—put and passed.
 Debate ensued.
 Debate adjourned (Mr Lindsay), and the resumption of the debate made an order of the day for the next sitting.
- 5 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 Mr Blunt, Mr Cadman, Mr Cobb, Mr Coleman, Mr Dobie, Dr H. R. Edwards, Mr Fife, Ms McHugh, Mr A. A. Morris, Mr Peacock, Mr Robinson, Mr Ruddock, Mr Sharp and Mr Uren—from certain citizens praying that the Anzac Rifle Range, Malabar, NSW, be retained.
 Mr Beale, Mr Braithwaite, Mr Cadman, Mr I. M. D. Cameron, Mr Cobb, Mr Drummond, Dr H. R. Edwards, Mr T. A. Fischer, Mr Hawker, Mr Rocher, Mr Ruddock and Mr Shipton—from certain citizens praying that the closure of post office agencies be prevented and their services be extended.
 Mr Beale, Dr H. R. Edwards, Mr Hawker and Mr Shipton—from certain citizens praying that the national flag not be changed except by a referendum.

- Mr Ruddock—from certain citizens in similar terms to the last preceding petition.
- Mr Braithwaite, Mr Connolly, Mr Hicks and Mr Snow—from certain citizens praying that the fringe benefits tax legislation be repealed.
- Mr Cadman and Mr Rocher—from certain citizens in similar terms to the last preceding petition.
- Mr Downer, Mr Duncan, Mr Hawker and Mr Kent—from certain citizens praying that family allowance payments be increased and proposed changes to the spouse rebate be rejected.
- Mr Drummond, Mr McGauran and Mr Rocher—from certain citizens in similar terms to the last preceding petition.
- Mr Kent, Mr Milton and Mr Scott—from certain citizens praying that importation of cobalt 60 and other radioactive substances be banned and regulations permitting irradiation of food in Australia be disallowed.
- Mr Campbell and Mr Dawkins—from certain citizens praying that the members of the Film Censorship Board be replaced.
- Mr Gear—from certain citizens in similar terms to the last preceding petition.
- Mr Cunningham and Mrs Mayer—from certain citizens praying that the Flags Amendment Bill receive a speedy passage.
- Dr H. R. Edwards—from certain citizens; and Mr I. M. D. Cameron—from certain residents of the Division of Maranoa praying that the Australian Bill of Rights Bill be repealed.
- Mr Kent and Mr Scott—from certain citizens praying that the principles of social justice, equity and redistribution of wealth be upheld.
- Mr Beale—from certain citizens praying that no cutbacks be made to the portfolio of Veterans' Affairs and certain action be taken to assist ex-servicemen and women.
- Mr Blanchard—from certain residents of Western Australia praying that the decision to deny secondary allowances to Year 11 students under the age of 16 years be reversed and allowances not be made directly payable to students.
- Mr Blunt—from certain residents of the Division of Richmond praying that the capital gains tax be repealed.
- Mr Cadman—from certain citizens praying that proclamation of the Australian Bill of Rights Bill be delayed until a referendum has been held.
- Mr Cadman—from certain citizens praying that the decision to close the Wollongong office of the Department of Immigration and Ethnic Affairs be reversed.
- Mr Cadman—from certain residents of New South Wales praying that the Western Sydney State University be established in conjunction with the NSW Government.
- Mr Free—from certain residents of New South Wales in similar terms to the last preceding petition.
- Mr Charles—from certain citizens praying that an occupational category for housewives be included in the Census and that the "Fair go for Women" survey be recognised as a costly exercise of dubious value.
- Mr Coleman—from certain citizens praying that funding be restored to the English as a second language and multicultural education programs.
- Mr Drummond—from certain citizens praying that the Extradition (Foreign States) Act be amended to protect the rights of accused persons.
- Mr Drummond—from certain citizens praying that the fringe benefits tax be cancelled.
- Mr Everingham—from certain residents of the Northern Territory praying that the Fringe Benefits Tax Assessment Act, the Fringe Benefits Tax Act, the Fringe Benefits Tax (Application to the Commonwealth) Act and the Fringe Benefits Tax (Miscellaneous Provisions) Act be rescinded.

Mr Gear—from certain citizens praying that the blasphemy, indecency and obscenity proscriptions of the Customs (Prohibited Imports) Regulations be reinvoled.

Mr Hawker—from certain citizens praying that the Australian Bill of Rights Bill be opposed and certain other action be taken in relation to the Bill.

Mr Hawker—from certain citizens praying that the commitment to the oil import parity pricing policy be honoured.

Mr Hawker—from certain citizens praying that the assets test on pensions be repealed.

Mr Hawker—from certain residents of Victoria praying that the proposed capital gains tax legislation be introduced without delay and that it be rejected.

Mr Kent—from certain citizens praying that announcers on the Albanian program on radio 3EA be replaced with community representatives.

Mr Kent—from certain citizens praying that the US Government be urged to join the Soviet Union's nuclear test ban.

Mr Kent—from certain citizens praying that the Government support the stand taken by the New Zealand Government on nuclear vessels and that the policy of developing zones of peace and nuclear free zones in the Indian and Pacific Oceans be implemented.

Mr Kent—from certain citizens praying that all prescribed medicines be provided to pensioners free of charge.

Mr Langmore—from certain citizens; and from certain residents of the Divisions of Ballarat, Corangamite and Wills praying that tertiary education remain free to all students.

Ms McHugh—from certain citizens in similar terms to the last preceding petition.

Mr Milton—from certain residents of Victoria praying that the decision to sell uranium to France be reversed.

Mr Ruddock—from certain citizens praying that funding for English as a second language programs be restored to the 1985 level.

Mr Connolly—from George Joseph Nutman, solicitor acting on behalf of Marlew Mining Pty Limited in proceedings brought against it by various persons of Australian Aboriginal ancestry in the Supreme Court of New South Wales and the District Court of New South Wales claiming damages, praying that the House grant leave—

- (1) to serve a subpoena on the Clerk of the House of Representatives requiring the production of the various photographs, letters, plans and documents received in evidence by the Standing Committee on Aboriginal Affairs from Mr Gerald Francis Burke at the Supreme Court, Queen's Square, Sydney, and
- (2) that the said photographs, letters, plans and documents be released into the custody of the Supreme Court of New South Wales for the purpose of determining the issues raised in matter No. 16057 of 1986 concerning the rights to possession and ownership thereof.

Petitions received.

6 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: 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 Bills:

13 October 1986—Message No. 184—

Superannuation and Other Benefits Legislation Amendment 1986.

Health Legislation Amendment (No. 2) 1986.

Loan 1986.

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FRINGE BENEFITS TAX:

The House was informed that Mr Carlton had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The confusion, frustration and high cost burden on the community arising from the

Government's muddled decision making and appalling administration of the fringe benefits tax".

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

Discussion ensued.

Discussion concluded.

- 8 ENVIRONMENT AND CONSERVATION—STANDING COMMITTEE—REPORT—
STATEMENTS BY MEMBERS: Mr Milton (Chairman) presented the following report from the Standing Committee on Environment and Conservation:
Namadgi National Park—Report, dated September 1986, together with the transcript of evidence and a copy of the minutes of proceedings.
Ordered—That the report be printed.
Mr Milton, Mr P. S. Fisher, Mr Webster and Mr Uren (Minister for Local Government and Administrative Services), by leave, made statements in connection with the report.
- 9 POSTPONEMENT OF ORDER OF THE DAY: Ordered—That order of the day No. 1, government business, be postponed until a later hour this day.
- 10 AUSTRALIAN INSTITUTE OF SPORT BILL 1986—SENATE'S AMENDMENTS: The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 1, clause 2, line 8, leave out "1 July 1986", insert "a day to be fixed by Proclamation".
- No. 2—Page 2, paragraph 6 (1) (a), line 36, before "development", insert "recognition and".
- No. 3—Page 2, sub-paragraph 6 (1) (a) (ii), line 40, after "coaches", insert "umpires, referees or officials essential to the conduct of sport".
- No. 4—Page 4, after sub-clause 11 (2), add the following new sub-clause:
"(3) A direction given under sub-section (1) shall be laid before each House of the Parliament within 15 sitting days of that House after the giving of the direction."
- No. 5—Page 5, after sub-clause 12 (3), add the following new sub-clause:
"(4) Each strategic plan prepared in accordance with this section shall be laid before each House of the Parliament within 15 sitting days of that House after approval by the Minister of the plan."
- No. 6—Page 14, after sub-clause 38 (1), insert the following new sub-clause:
"(1A) Division 2 of Part XI of the *Audit Act 1901* (as that Division applies by virtue of sub-section (1) of this section) has effect in relation to the year ending on 30 June 1987 in accordance with section 17 of the *Australian Institute of Sport (Consequential Provisions) Act 1986*."
- On the motion of Mr P. F. Morris (Acting Minister for Sport, Recreation and Tourism), the amendments were agreed to, after debate.
Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

On the motion of Mr P. F. Morris, the House adopted the report.

- 11 AUSTRALIAN INSTITUTE OF SPORT (CONSEQUENTIAL PROVISIONS) BILL 1986—
SENATE'S AMENDMENT: The House, according to order, resolved itself into a committee of the whole to consider the amendment made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Pages 6 to 8, clauses 17 and 18, line 14 (page 6) to line 5 (page 8), leave out the clauses, insert the following clause:

Application of Division 2 of Part XI of Audit Act in relation to year ending on 30 June 1987

"17. Division 2 of Part XI of the *Audit Act 1901* (as that Division applies by virtue of sub-section 38 (1) of the *Australian Institute of Sport Act 1986*) has effect in relation to the year ending on 30 June 1987 as if—

- (a) sub-sections 63G (3) and (4) were omitted and the following sub-sections were substituted:

'(2A) The Auditor-General may inspect and audit such of the accounts and records of financial transactions (including transactions relating to money received or held on trust) of the company named "Australian Institute of Sport" that was incorporated on 24 September 1980 under the *Companies Ordinance 1962* of the Australian Capital Territory and records relating to the assets (including assets held on trust) of, or in the custody of, the company, being accounts and records in so far as they—

- (a) relate to the period commencing on 1 July 1986 and ending immediately before the *Australian Institute of Sport Act 1986* came into operation; and
- (b) have become assets of the authority under section 12 of that Act, and shall forthwith draw the attention of the appropriate Minister in relation to the authority to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify the Auditor-General in so doing.

'(3) The Auditor-General shall—

- (a) at least once in the year ending on 30 June 1988, report to the appropriate Minister the results of the inspection and audit carried out under sub-section (1) of the accounts and records of the authority in so far as they relate to the period commencing on the day on which the *Australian Institute of Sport Act 1986* came into operation and ending on the expiration of 30 June 1987; and
- (b) at the time at which the Auditor-General makes the first such report to that Minister, also report to that Minister the results of any inspection and audit, carried out by the Auditor-General under this Act or any other Act, of the accounts and records of the company referred to in sub-section (2A) in so far as they relate to the period commencing on 1 July 1986 and ending immediately before the *Australian Institute of Sport Act 1986* came into operation.

'(4) The Auditor-General or a person authorised by the Auditor-General is entitled at all reasonable times to full and free access to—

- (a) all accounts and records of the authority relating directly or indirectly to the receipt or payment of money by the authority or to the acquisition, receipt, custody or disposal of assets by the authority; and
- (b) all accounts and records of the company referred to in sub-section (2A) that have become assets of the authority under section 12 of the *Australian Institute of Sport Act 1986*, being accounts and records relating directly or indirectly to the receipt or payment of money (including money received or held by the company on trust) by the company or to the acquisition, receipt, custody or disposal of assets (including assets received or held by the company on trust) by the company; and

(b) section 63H were omitted and the following section were substituted:

Annual report and financial statements

'63H. (1) The authority shall, as soon as practicable after 30 June 1987, prepare and submit to the appropriate Minister in relation to the authority a report of—

- (a) the operations of the company referred to in sub-section 63G (2A) during the period (in this section referred to as the "first period") commencing on 1 July 1986 and ending immediately before the *Australian Institute of Sport Act 1986* came into operation; and
- (b) the operations of the authority during the period (in this section referred to as the "second period") commencing on the day on which that Act came into operation and ending on the expiration of 30 June 1987, together with financial statements in respect of the year ending on 30 June 1987, in such form as the Minister administering this Act approves, that—
- (c) in so far as they are statements in respect of the first period, relate to the company during that period; and
- (d) in so far as they are statements in respect of the second period, relate to the authority during that period.

'(1A) The report referred to in sub-section (1) shall, in so far as it relates to the company referred to in sub-section 63G (2A), be prepared by the authority having regard to—

- (a) such of the accounts and records of the company as have become assets of the authority under section 12 of the *Australian Institute of Sport Act 1986*; and
- (b) any information concerning the operation of the company that is given to the authority by persons who were members of the Board of Management or staff of the company.

'(1B) The financial statements referred to in sub-section (1) shall, in so far as they relate to the company referred to in sub-section 63G (2A), be based on the accounts and records referred to in paragraph (1A) (a) of this section.

'(2) Before submitting financial statements to the appropriate Minister under sub-section (1), the authority shall submit them to the Auditor-General, who shall report to the appropriate Minister—

- (a) whether, in the opinion of the Auditor-General, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and, in the opinion of the Auditor-General, show fairly—
 - (i) the financial transactions of the company referred to in sub-section 63G (2A) during the first period; and
 - (ii) the financial transactions and the state of affairs of the authority during the second period;
- (c) whether, in the opinion of the Auditor-General, the receipt, expenditure and investment of monies and the acquisition and disposal of assets, by the company during the first period have been in accordance with the law;
- (d) whether, in the opinion of the Auditor-General, the receipt, expenditure and investment of monies and the acquisition and disposal of assets, by the authority during the second period have been in accordance with the enactment establishing the authority; and
- (e) as to such matters arising out of the statements as the Auditor-General considers should be reported to the appropriate Minister.

'(3) The appropriate Minister shall cause copies of the report and financial statements together with a copy of the report of the Auditor-General to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the appropriate Minister.'"

On the motion of Mr P. F. Morris (Acting Minister for Sport, Recreation and Tourism), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.
On the motion of Mr P. F. Morris, the House adopted the report.

- 12 **POSTPONEMENT OF ORDER OF THE DAY:** Ordered—That order of the day No. 4, government business, be postponed until a later hour this day.
- 13 **REMUNERATION AND ALLOWANCES ALTERATION BILL 1986—SENATE'S AMENDMENT:** The House, according to order, resolved itself into a committee of the whole to consider the amendment made by the Senate.

In the committee

**SCHEDULE OF THE AMENDMENT MADE BY THE
SENATE AS AN ALTERNATIVE TO THE AMENDMENT
TO WHICH THE HOUSE OF REPRESENTATIVES
HAS DISAGREED**

Page 4, after clause 4, add the following clause:

Entitlements of members of the Parliament

“4A. (1) Determination No. 11 of 1986 of the Remuneration Tribunal dated 6 June 1986 is modified—

- (a) by omitting paragraph 7.1;
- (b) by omitting from sub-sub-paragraph 7.2 (d) (ii) “, or nominee as defined,”;
- (c) by omitting from sub-sub-paragraph 7.2 (d) (iii) “, spouse, or nominee as defined,” and substituting “or spouse”;
- (d) by omitting from sub-paragraph 7.3 (c) “or nominee”; and
- (e) by omitting from paragraph 7.4 “or nominee”.

“(2) The determination of the Remuneration Tribunal referred to in this section as modified by this section has effect as if it were a determination of the Remuneration Tribunal.”

Mr Young (Special Minister of State) moved—That the Senate’s amendment, as an alternative to the amendment to which the House of Representatives has disagreed, be agreed to.

Debate ensued.

Question—put and passed.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.
On the motion of Mr Young, the House adopted the report.

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

Question—put and passed.

And then the House, at 6.19 p.m., adjourned until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 14 October 1986:

Australian Federal Police Act—Regulations—Statutory Rules 1986, No. 289.

Defence Act—Determinations—1986—

No. 58—District Allowance.

No. 59—Travelling Allowance and other allowances.

No. 60—Child Allowance and other allowances.

No. 61—Temporary Rental Allowance.

No. 62—Overseas Rental and Utilities Allowance and other allowances.

- No. 63—Overseas Rental and Utilities Allowance and Complementary Allowances Payable to Member Serving on Duty Overseas.
 Interstate Road Transport Act—Regulations—Statutory Rules 1986, No. 291.
 Interstate Road Transport Charge Act—Regulations—Statutory Rules 1986, No. 292.
 Live-stock Export Charge Act—Regulations—Statutory Rules 1986, No. 288.
 Live-stock Slaughter Levy Act—Regulations—Statutory Rules 1986, No. 287.
 Seat of Government (Administration) Act—
 National Memorials Ordinance—Determination naming Divisions of the Australian Capital Territory, dated 10 October 1986.
 Ordinances—1986—
 No. 57—Crimes (Amendment) (No. 4).
 No. 58—Motor Traffic (Amendment) (No. 4).
 No. 59—Standard Time and Summer Time (Amendment) (No. 2).
 No. 60—Canberra Retail Markets (Amendment).
 No. 61—Milk Authority (Amendment) (No. 2).
 No. 62—Advisory Council.
 Regulations—1986—
 No. 22 (Long Service Leave (Building and Construction Industry) Ordinance).
 No. 23 (Motor Traffic Ordinance).
 Social Security Act—Regulations—Statutory Rules 1986, No. 293.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr J. J. Brown, Mr I. M. D. Cameron, Dr Charlesworth, Mr Dubois, Mr Everingham, Mr Hawker, Mr Jacobi*, Mr Lamb, Mr MacKellar and Mr Price.

*On leave

A. R. BROWNING
 Clerk of the House of Representatives