

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 185

THURSDAY, 4 JUNE 1987

- 1 The House met, at 10 a.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.
- 2 **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:  
3 June 1987—Message No. 261—Commonwealth Electoral Amendment 1987.
- 3 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:  
3 June 1987—Message—  
No. 464—Sales Tax Laws Amendment 1987.  
No. 465—Customs Tariff (Commonwealth Authorities) Amendment 1987 (*without requests*).  
No. 466—Health Legislation Amendment 1987.  
No. 467—Local Government (Financial Assistance) Amendment 1987.
- 4 **BROADCASTING AMENDMENT 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 7, after "operation on", insert "the sixtieth day after".
- No. 2—Page 8, clause 14, line 41, leave out "92A", insert "91AAA".
- No. 3—Page 14, clause 16, proposed section 94H, lines 35 to 41, leave out the proposed section, insert the following section:  
"94H. (1) An approved market shall be taken:  
(a) if 2 or more of the licensees in the approved market give notice to the Minister under section 94G that they wish to proceed immediately towards aggregation in the approved market—to be proceeding immediately towards aggregation;  
(b) if paragraph (a) does not apply—to be proceeding towards aggregation via multi-channel services.  
(2) For the purposes of sub-section (1), where:  
(a) 2 or more of the licences in an approved market are specified in the Indicative Plan as being eligible for consolidation with one another; and  
(b) the licensees of those licences give notices to the Minister under section 94G that they wish to proceed immediately towards aggregation in the approved market;

those notices shall be deemed to be a single notice under that section given jointly by those licensees.”.

Mr Duffy (Minister for Communications) moved—That the amendments be agreed to.

Mr Macphee addressing the committee—

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

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

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

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

Question—That the report be adopted—put and passed—Mr Macphee dissenting.

**5 BROADCASTING (OWNERSHIP AND CONTROL) BILL 1987—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 7, paragraph 18 (h), lines 1 to 6, leave out the paragraph, insert the following paragraph:

“(h) by inserting after subsection (6) the following subsections:

‘(6A) For the purposes of this Division, a newspaper shall be taken to be associated with the service area of a commercial television licence if, and so long as, the name of the newspaper is entered in the Associated Newspaper Register as a newspaper that is associated with the service area of the licence.

‘(6B) For the purposes of this Division, a commercial television licence shall be taken to be a non-competitive licence if:

(a) the licence is in an approved market and an MCS permit is in force in respect of the licence; or

(b) the licence is not in an approved market and the service area of the licence is not wholly, or almost wholly, within the service area of another commercial television licence.’; and”.

No. 2—Page 11, paragraph 22 (1) (a), proposed paragraph 92 (1) (a), line 16, leave out “75%”, insert “60%”.

No. 3—Page 11, paragraph 22 (1) (a), proposed subsection 92 (1AA), lines 22 to 26, leave out the proposed subsection, insert the following subsection:

“(1AA) A person contravenes this section if, and so long as the person has a prescribed interest in:

(a) a commercial television licence (in this subsection called “licence A”) that is in an approved market and in respect of which an MCS permit is in force; and

(b) another commercial television licence (in this subsection called “licence B”) that is a non-competitive licence;

unless:

(c) licence B is not in an approved market; and

(d) all the person’s interests in licence B are interests of one or more of the following kinds:

(i) interests in the company holding licence B of which the person became the holder before the day on which the Minister gave notice under section 94J that the approved market referred to in paragraph (a) was proceeding towards aggregation via multi-channel services;

- (ii) interests in licence B due to other circumstances that came into existence before that day;
- (iii) interests in the company holding licence B resulting from the allotment or issue, on or after that day, of shares in, or debentures of, a company to a person where:
  - (A) the person, immediately before that day, held shares in, or debentures of, that company; and
  - (B) the person received or receives the shares or debentures so allotted or issued in accordance with rights of a kind enjoyed by the person in common with other holders of shares or debentures of the same class as the shares or debentures that were so held.”.

No. 4—Page 12, after subclause 22 (2), add the following new subclauses:

“(3) A person shall not be taken to be in contravention of section 92 of the Principal Act (being a contravention by virtue of the operation of subsection 92 (1AA) of that Act) in relation to any licences by reason only of one or more of the following:

- (a) if the person held any of the licences immediately before 2 June 1987 and the holding of that licence did not, immediately before that day, result in a contravention by that person of section 92 of the Principal Act—the holding by the person of that licence (including that licence as renewed);
- (b) the holding by the person of interests in any of the companies holding the licences, being interests of which the person became the holder before that day, or other circumstances that came into existence before that day, where:
  - (i) the holding of those interests or the existence of those circumstances did not, immediately before that day, result in a contravention by that person of section 92 of the Principal Act; or
  - (ii) on or after that day action has been taken which, if it had been taken before that day, would have caused the holding of those interests or the existence of those circumstances not to result in such a contravention;
- (c) the holding by the person of interests in any of the companies holding the licences, being interests resulting from the allotment or issue, on or after that day, of shares in, or debentures of, a company to a person who, immediately before that day, held shares in, or debentures of, that company, where the person received or receives the shares or debentures so allotted or issued in accordance with rights of a kind enjoyed by the person in common with other holders of shares or debentures of the same class as the shares or debentures that were so held.

“(4) Subsection (3) does not apply in relation to a person at any time when the person is the holder of any interest (other than an interest referred to in paragraph (3) (c)) in the company holding any of the licences concerned if the person became the holder of the interest on or after 2 June 1987.

“(5) The operation of subsection (4) is not affected by the fact that, on or after 2 June 1987 and before the person became the holder of the interest, there has been a reduction in the amount of the interest held by the person in the company.

“(6) Subsection (3) ceases to apply in relation to a person if at any time the person has a prescribed interest in 3 or more licences that are in an approved market or approved markets and in respect of which MCS permits are in force.”.

No. 5—Page 12, clause 24, proposed subsection 92C (1), line 34, leave out “75%”, insert “60%”.

No. 6—Page 12, clause 24, proposed subsection 92C (1AA), lines 35 to 40, leave out the proposed subsection, insert the following subsection:

- “(1AA) A person contravenes this section if, and so long as, the person:
- (a) is a director of a company that is in a position to exercise control of a licence that is in an approved market and in respect of which an MCS permit is in force; and
  - (b) is a director of another company that is, or 2 or more other companies that, between them, are, in a position to exercise control of another commercial television licence that is a non-competitive licence;

unless:

- (c) the licence referred to in paragraph (b) is not in an approved market; and
- (d) the person has continued to hold the directorships from a time before the day on which the Minister gave notice under section 94J that the approved market referred to in paragraph (a) was proceeding towards aggregation via multi-channel services.”

No. 7—Page 13, clause 24, proposed subsection 92C (1AC), line 16, leave out “subsection (1AB)”, insert “subsections (1AA) and (1AB)”.

No. 8—Page 13, clause 24, at end of clause, add the following new subclauses:

“(2) Where:

- (a) a person holds directorships the holding of which would, but for this subsection, constitute a contravention of section 92C of the Principal Act by virtue of the operation of subsection (1AA) of that section; and
- (b) the person has continued to hold the directorships from a time before 2 June 1987;

the person shall not be taken to be in contravention of that section by reason only of the holding of the directorships.

“(3) Subsection (2) ceases to apply to a person if at any time the person is a director of 2 or more companies that, between them, are in a position to exercise control of 3 or more licences that are in an approved market or approved markets and in respect of which MCS permits are in force.”

No. 9—Page 17, subclause 27 (1), after proposed subsection 92FAD (1), insert the following new subsection:

“(1A) A person who contravenes this section is guilty of a separate offence in respect of each day (including a day of a conviction under this subsection or any subsequent day) during which the contravention continues.”

No. 10—Page 19, after subclause 27 (4), insert the following new subclauses:

“(4A) Where:

- (a) immediately before 28 November 1986, a company (in this subsection called the ‘holding company’) was in a position to exercise significant control over the company (in this subsection called the ‘licensee company’) holding a commercial television licence; and
- (b) on or after 28 November 1986, the holding company became or becomes the holder of a loan interest in the licensee company;

the following provisions have effect:

- (c) subject to paragraph (d), the loan interest shall be disregarded for the purposes of the application of subsections (3) and (4) in relation to the holding company;
- (d) paragraph (c) does not apply in relation to the holding company if:
  - (i) the holding company ceased or ceases, at any time on or after 28 November 1986, to be in a position to exercise significant control of the licensee company; or
  - (ii) subsection (2) ceased or ceases, at any time on or after 28 November 1986, to apply in relation to the holding company;
- (e) subject to paragraph (f), if immediately before 28 November 1986, a person, by reason of being in a position to exercise control of the holding company, held an interest in the licensee company, the loan interest shall

be disregarded for the purposes of the application of subsections (3) and (4) in relation to the person;

(f) paragraph (e) does not apply in relation to the person if:

- (i) the holding company ceased or ceases, at any time on or after 28 November 1986, to be in a position to exercise significant control of the licensee company;
- (ii) the person ceased or ceases, at any time on or after 28 November 1986, to be in a position to exercise control of the holding company; or
- (iii) subsection (2) ceased or ceases, at any time on or after 28 November 1986, to apply in relation to the holding company or in relation to the person.

“(4B) For the purposes of subsection (4A), a company shall be deemed to be in a position to exercise significant control of another company if, had the references in section 92B and 91AAC of the Principal Act to 15% been references to 50%, the first company would, in accordance with that section, be deemed to have been in a position to exercise control of the second company.”

On the motion of Mr Duffy (Minister for Communications), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

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

#### 6 TAXATION LAWS AMENDMENT BILL (NO. 5) 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 2, clause 7, proposed subsection 46C (1), definition of “debt dividend”, after subparagraph (a) (i) insert the following new subparagraph:

“(ia) if the share was issued before 8 May 1986—the share was not issued pursuant to an obligation:

- (A) that was in existence at the commencing time; and
- (B) a breach of which would result in a substantial liability for damages;”

No. 2—Page 3, clause 7, proposed subsection 46C (1), definition of “debt dividend”, after subparagraph (b) (ii), insert the following new subparagraph:

“(iia) if the short-term finance arrangement was entered into after the commencing time—the arrangement was a short-term finance arrangement only because of paragraph (a) of the definition of ‘short-term finance arrangement’;”

No. 3—Page 3, clause 7, proposed subsection 46C (1), definition of “debt dividend”, leave out subparagraph (c) (ii), insert the following subparagraph:

“(ii) the dividend was paid under a short-term finance arrangement that:

- (A) was entered into after the commencing time; and
- (B) was a short-term finance arrangement only because of paragraph (a) of the definition of ‘short-term finance arrangement’;”

No. 4—Page 3, clause 7, after proposed subsection 46C (1), insert the following new subsections:

“(1A) For the purposes of this section, the mere payment of a call in respect of a share after the commencing time does not, of itself, constitute the entering into of a short-term finance arrangement after that time.

“(1B) For the purposes of this section, the mere transfer of a share, or the mere obtaining of a letter of credit, or both, after the commencing time does

not, of itself, constitute the entering into of a short-term finance arrangement after that time.

“(1C) Subsections (1A) and (1B) are enacted for the avoidance of doubt.”.

No. 5—Page 13, clause 16, after proposed new subsection 221YBA (1), insert the following new subsection:

“(1AA) Nothing in this section requires the payment of instalments of provisional tax by a taxpayer in respect of income of a year of income, being:

- (a) the actual taxable income from primary production of the taxpayer of the year of income, as defined in section 156; or
- (b) the abnormal income, as defined in section 158C, of a taxpayer to whom Division 16A applies.”.

No. 6—Page 20, clause 20, proposed new paragraph 221YDAA (4) (b), line 41, leave out “\$2,000”, insert “\$5,000”.

On the motion of Mr Cohen (Minister for Arts, Heritage and Environment), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

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

- 7 **AUSTRALIAN INSTITUTE OF HEALTH BILL 1987—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**

Page 4, after paragraph 8 (1) (g), add the following new paragraph:

“(h) a member nominated by the Consumers' Health Forum of Australia.”.

On the motion of Dr Blewett (Minister for Health), the amendment was agreed to.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

On the motion of Dr Blewett, the House adopted the report.

- 8 **SOCIAL SECURITY AMENDMENT BILL 1987—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 15, Part 1 of Schedule 1, proposed amendments of the *Social Security Act 1947*, proposed amendment of subsection 6 (1), definition of “de facto spouse”, leave out the proposed amendment.

No. 2—Page 16, Part 1 of Schedule 1, proposed amendments of the *Social Security Act 1947*, proposed amendment of subsection 6 (1), after definition of “Reserve Forces”, insert the following new amendment:

“Section 6:

Add at the end the following subsections:

“(10) Where:

- (a) a person who is living with another person of the opposite sex as the spouse of that other person on a *bona fide* domestic basis although not legally married to that other person; and
- (b) either of those persons is under the age of consent applicable in the State or Territory in which those persons are living;

neither of those persons shall be treated as a married person for the purposes of this Act.

'(11) The rate of a pension, benefit or allowance under this Act payable to a person to whom subsection (10) applies shall not exceed the rate at which it would be payable to the person if the person were married to the other person.'".

On the motion of Mr Cohen (Minister for Arts, Heritage and Environment), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

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

**9 MESSAGE FROM THE SENATE—SOCIAL SECURITY AND VETERANS' ENTITLEMENTS AMENDMENT BILL 1987:** The following message from the Senate was reported:

Message No. 463

Madam Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act relating to Social Security and Veterans' Entitlements and other matters*", 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.

KERRY SIBRAA  
President

The Senate,

Canberra, 3 June 1987

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 2, subclause 2 (4), line 3, after "21," insert "23A,".

No. 2—Page 2, subclause 2 (4), line 3, leave out "39,".

No. 3—Page 2, subclause 3 (5), lines 20 to 22, leave out the subclause.

No. 4—Page 3, clause 6, at end of clause, add the following new subclause:

"(2) Notwithstanding the repeal of section 135TD of the *Social Security Act 1947*, subsection (7) of the repealed section continues to apply, on and after 1 September 1987, to a garnishee order to which that subsection applied immediately before that day."

No. 5—Page 11, after clause 23, insert the following new clause:

**Manner of payment etc.**

"23A. Section 135TC of the Principal Act is amended by adding at the end the following subsection:

'(5) Where:

(a) an order of a court in the nature of a garnishee order or an order for attachment comes into force after the commencement of this subsection in respect of an account maintained by a person (whether alone or jointly or in common with another person) with a financial institution, being an account to which money received on deposit is credited; and

(b) instalments or payments of a pension, benefit or allowance that is payable to the person under this Act (whether on his or her own behalf or on behalf of another person) are being paid to the credit of that account;

the order shall be deemed not to apply to an amount equal to the sum of the amounts of that pension, benefit or allowance paid to the credit of that account in the period of 4 weeks before the time when the order came into force in

respect of that account reduced by an amount equal to the sum of the amounts withdrawn from that account during that period.'”.

No. 6—Pages 15 and 16, paragraph 27 (c), proposed subsection 140 (3), line 34 (page 15) to line 4 (page 16), leave out the proposed subsection.

No. 7—Page 19, clause 39, lines 1 to 12, leave out the clause.

No. 8—Pages 20 and 21, paragraphs 42 (d) and (e), line 39 (page 20) to line 13 (page 21), leave out the paragraphs.

No. 9—Page 21, paragraph 42 (f), proposed subsection 205 (6), lines 26 and 27, leave out the proposed subsection.

No. 10—Pages 23 and 24, paragraphs 45 (d) and (e), line 35 (page 23) to line 10 (page 24), leave out the paragraphs.

No. 11—Page 24, paragraph 45 (f), proposed subsection 55A (6), lines 23 to 25, leave out the proposed subsection.

On the motion of Mr Cohen (Minister for Arts, Heritage and Environment), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr McLeay reported accordingly.

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

10 MESSAGE FROM THE SENATE—CUSTOMS AND EXCISE LEGISLATION  
AMENDMENT BILL 1987: The following message from the Senate was reported:  
Message No. 468

Madam Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to amend the ‘Customs Act 1901’ and the ‘Excise Act 1901’, and for related 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.

KERRY SIBRAA  
President

The Senate,  
Canberra, 3 June 1987

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 3, clause 7, proposed subsection 163 (1C), line 12, leave out “the regulations referred to in”.

No. 2—Page 3, clause 7, proposed subsection 163 (1D), lines 16 and 17, leave out the proposed subsection, insert the following subsection:

“(1D) A fee is not payable under subsection (1C):

- (a) in the circumstances specified in paragraphs 126 (a), (b), (c), (d), (f), (g), (ga), (h), (j), (k) or (m) of the Customs Regulations as in force at the commencement of this subsection;
- (b) where an officer assisted in making up the entry in respect of which the application for a refund of duty is made;
- (c) where an officer assessed the duty payable;
- (d) where the duty was paid under protest;
- (e) where the duty was paid as a consequence of advice given, or a ruling made, by an officer;
- (f) where all duty amounts were paid in good faith;
- (g) where the overpayment of duty was beyond the control of the applicant for the refund; or



(h) in such other circumstances as may be specified in the regulations.'".  
 On the motion of Mr Jones (Minister representing the Minister for Industry, Technology and Commerce), the amendments were agreed to.  
 Resolution to be reported.

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

- 11 **CASH TRANSACTION REPORTS BILL 1987:** 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: "the Bill be referred to a select committee of both Houses to report to Parliament as soon as possible".  
 Debate continued.  
 Debate adjourned (Mr Martin), and the resumption of the debate made an order of the day for a later hour this day.
- 12 **LOCAL GOVERNMENT—MINISTERIAL STATEMENT:** Mr Uren (Minister for Local Government and Administrative Services), by leave, made a ministerial statement relating to the role and development of local government in Australia.  
 Mr Sinclair (Leader of the National Party of Australia), by leave, made a statement referring to Mr Uren's service as a Minister and a Member.  
 Mr Reith and Mr Katter, by leave, also made statements in connection with the matters.
- 13 **CASH TRANSACTION REPORTS BILL 1987:** 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, viz.*—That all words after "That" be omitted with a view to substituting the following words: "the Bill be referred to a select committee of both Houses to report to Parliament as soon as possible"—  
 Debate resumed.  
 It being 12.45 p.m., the debate was interrupted in accordance with sessional order 106A, and the resumption of the debate made an order of the day for a later hour this day.
- 14 **INDUSTRIAL RELATIONS—EXPORT INDUSTRIES:** Mr Braithwaite, pursuant to notice, moved—That this House—  
 (1) condemns the Government for its laissez-faire attitude to industrial disputation in Australia's export industries, particularly in relation to the appalling industrial record of Australia's coal mining unions, and  
 (2) calls on the Government to adopt the Federal National Party's policy of introducing essential services legislation to protect Australia's vital export industries from industrial relations blackmail.  
 Debate ensued.  
 Mr Hollis addressing the House—  
 It being 1.45 p.m., the debate was interrupted in accordance with standing order 109, as amended by sessional order.  
 Ordered—That the time for discussion of notice No. 1, general business, be extended until 2 p.m.  
 Debate continued.  
 The time allotted for precedence to general business having expired, the debate was interrupted, Mr P. S. Fisher was granted leave to continue his speech when the debate is resumed, and the resumption of the debate was made an order of the day for the next sitting.

15 **MEMBERS' INTERESTS COMMITTEE—PAPER:** Dr Klugman (Chairman) presented the following paper:

Committee of Members' Interests—Register of Members' Interests—Notifications of alterations received during the period 28 May to 4 June 1987.

16 **QUESTIONS:** Questions without notice being asked—

*Papers:* Mr Dawkins (Minister for Trade) presented the following papers:

Cairns group of agricultural exporting nations—Editorial, entitled "The Mighty Cairns" from the *Journal of Commerce*, dated 27 May 1987.

Joint Parliamentary Delegation to Washington—Report on Agricultural and Trade Matters in US and Canada, 15-23 May 1987, together with attachments.

Questions without notice continued.

17 **EFFICIENCY AUDITS—REPORTS OF AUDITOR-GENERAL—PUBLICATION OF PAPERS:** Madam Speaker presented the following papers:

Efficiency audits—Reports of the Auditor-General, dated 3 June 1987—

Department of Defence: Army mapping, and

Department of Resources and Energy: Offshore petroleum royalties and excise.

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

(1) That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the reports of the Auditor-General, dated 3 June 1987, upon efficiency audits of—

Department of Defence: Army mapping, and

Department of Resources and Energy: Offshore petroleum royalties and excise, and

(2) That the reports be printed.

Question—put and passed.

18 **PAPERS:** The following papers were presented:

Australian Apple and Pear Corporation Act—Australian Apple and Pear Corporation—Report and financial statements, together with the Auditor-General's Report, for 1986.

Australian Capital Territory Fire Brigade—Report for 1984-85 and 1985-86.

Australian National University Act—Council of the Australian National University—Report for 1986—Part 1—Report.

Commonwealth Teaching Service Act—Commonwealth Teaching Service—Australian Capital Territory—

Schools Authority component—Report for 1986.

Technical and Further Education component—Report for 1986.

Commonwealth Tertiary Education Commission Act—Commonwealth Tertiary Education Commission—Report for 1988-90 triennium—Volume 1, dated April 1987—

Part 1—Recommendations on guidelines.

Part 2—Appendixes.

Part 3—Advice of Universities Advisory Council.

Part 4—Advice of Advanced Education Advisory Council.

Part 5—Report of Technical and Further Education Advisory Council.

National Health Act—Report on the operations of the registered health insurance organizations for 1985-86.

Rural Industries Research Act—

Barley Research Council—Report for 1985-86.

Wheat Research Council—Report for 1985-86.

*States Grants (Schools Assistance) Act 1984*—Report on financial assistance granted to each State in respect of 1985.

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

Mr Adermann, Mr Cadman, Mr Chynoweth, Mr Goodluck, Mr Jones and Mr Snow—from certain citizens praying that the pension discounting effect of the Superannuation and Other Benefits Legislation Amendment Act be limited to restore the base level for pension adjustment and certain other action be taken in relation to the Commonwealth Occupational Superannuation Schemes.

Mr Aldred, Mr Beale, 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 N. A. Brown, Mr Cadman and Mr Ruddock—from certain citizens praying that the Department of Veterans' Affairs remain a separate department.

Mr Cadman, Dr H. R. Edwards and Mr Hodgman—from certain citizens praying that the Anzac Rifle Range, Malabar, NSW, be retained.

Mr Blunt and Mr Slipper—from certain residents of the Divisions of Richmond and Fisher, respectively, praying that prescription drugs continue to be provided to pensioners without fee.

Mr N. A. Brown and Mr Cadman—from certain citizens praying that any act which would desecrate the Australian War Memorial be prevented.

Mr Cadman and Mr Hodgman—from certain citizens praying that the right of employees to select their own superannuation scheme be guaranteed and certain other action be taken in relation to superannuation.

Mr Cadman and Mr Slipper—from certain citizens praying that the closure of post office agencies be prevented and their services be extended.

Mr Hayden and Mr Nehl—from certain citizens praying that pension adjustments related to November and May CPI increases not be deferred but paid immediately.

Mr Beale—from certain citizens praying that the legislation to tax fringe benefits not proceed.

Mr Blunt—from certain residents of the Division of Richmond praying that the capital gains tax be repealed.

Mr N. A. Brown—from certain citizens praying that the capital gains tax legislation be opposed.

Mr N. A. Brown—from certain citizens praying that the tax on lump sum superannuation be repealed.

Mr N. A. Brown—from certain citizens praying that the fringe benefits tax legislation be repealed.

Mr Cadman—from certain citizens in similar terms to the last preceding petition.

Mr N. A. Brown—from certain citizens praying that the assets test on pensions be repealed.

Mr Hawker—from certain citizens in similar terms to the last preceding petition.

Mr N. A. Brown—from certain citizens praying that deletion of the 45 commonly prescribed drugs from the Pharmaceutical Benefits Scheme be reconsidered.

Mr Slipper—from certain residents of the Division of Fisher in the same terms as the last preceding petition.

Mr Connolly—from certain citizens praying that amendments to ACT legislation and customs regulations which permit the distribution of pornographic material be reversed.

Mr Connolly—from certain citizens praying that the Killarney Heights post office agency, NSW, not be closed.

- Mr Hodgman—from certain citizens praying that the imperial system of weights and measures be restored.
- Mr Hodgman—from certain citizens praying that any proposal to increase the burden of capital gains and wealth taxes be rejected.
- Mr Hodgman—from certain citizens praying that the Human Embryo Experimentation Bill be voted against.
- Mr Hodgman—from certain citizens praying that action be taken to assist the Polish people affected by the Chernobyl nuclear disaster and that the Soviet Union be condemned for its negligence.
- 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 any proposal for a national identification numbering system be rejected.
- Mr Kerin—from certain citizens praying that any proposal to legislate for the establishment of plant variety rights in Australia be rejected.
- Mr Nehl—from certain citizens praying that funding be provided to improve the Pacific Highway between Port Macquarie and Woolgoolga, NSW.
- Mr Scott—from certain citizens praying that national Aboriginal land rights legislation be established.
- Mr Shipton—from certain citizens praying that the national flag not be changed except by a referendum.
- Mr Slipper—from certain residents of the Division of Fisher praying that the assets test be reconsidered.
- Mr Slipper—from certain residents of the Division of Fisher praying that public funding for projects which are undesirable or of dubious worth be halted.
- Mr Slipper—from certain residents of the Division of Fisher praying that the Australian Bill of Rights Bill be repealed.
- Mr Slipper—from certain residents of the Division of Fisher praying that the capital gains tax proposal be abandoned.
- Mr Slipper—from certain residents of the Division of Fisher praying that family allowances be restored to 1976 real values and certain other action be taken in relation to family incomes.
- Mr Slipper—from certain residents of the Division of Fisher praying that pharmaceutical benefits be restored to their former level.
- Mr Slipper—from certain residents of the Division of Fisher praying that means be sought for the protection of the people's interests to reverse the decision to hand Ayers Rock over to an Aboriginal Land Council.
- Mr Slipper—from certain residents of the Division of Fisher praying that the existing national flag remain sacrosanct.
- Mr Slipper—from certain residents of the Division of Fisher praying that the right to work be acknowledged and protected and that certain other action be taken to protect workers.
- Mr Slipper—from certain residents of the Division of Fisher praying that unemployed people in the CES district serving Caboolture, Qld, be allowed to lodge their completed unemployment benefits forms at the Caboolture Job Centre.
- Mr Slipper—from certain residents of Queensland praying that the fringe benefits tax be abandoned.
- Mr Slipper—from certain residents of Queensland praying that the further means testing of veterans' disability pensions not proceed.

Petitions received.

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

4 June 1987—Message—

- No. 469—Customs (Valuation) Amendment 1987.
- No. 470—Customs Tariff Amendment 1987 (*without requests*).
- No. 471—Excise Tariff Amendment 1987 (*without requests*).
- No. 472—Bounty and Subsidy Legislation Amendment 1987.
- No. 473—Customs Tariff Validation 1987 (*without requests*).
- No. 474—Excise Tariff Validation 1987 (*without requests*).
- No. 475—Customs Tariff (Uranium Concentrate Export Duty) Amendment 1987 (*without requests*).
- No. 476—Customs Tariff 1987 (*without requests*).
- No. 477—Customs Tariff (Miscellaneous Amendments) 1987.
- No. 478—Customs Tariff (Installations at Sea) 1987 (*without requests*).

21 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MEDICARE:** The House was informed that Mr Porter had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The growing community outrage at the increases in the cost of Medicare which needs fundamental changes to ensure all Australians have access to affordable high quality health care".

The proposed discussion having received the necessary support—

Mr Porter addressed the House.

Discussion ensued.

Discussion concluded.

22 **INTER-PARLIAMENTARY UNION—BUENOS AIRES CONFERENCE, 1986—REPORT—STATEMENT BY MEMBER:** Mr Wilson, by leave, presented the following paper: Inter-Parliamentary Union—76th Conference, Buenos Aires, Argentina, 6-11 October 1986—Report of the Australian Delegation— and, by leave, made a statement in connection with the paper.

23 **PUBLIC ACCOUNTS COMMITTEE—STATEMENT BY MEMBER AND PAPER:** Mr Tickner (Chairman), by leave, made a statement concerning the Government's response to the Public Accounts Committee's report on guidelines for the preparation of annual reports, and, by leave, presented the following paper: Public Accounts Committee—Report on guidelines for the preparation of annual reports—Letter from Mr Hawke, Prime Minister, to Mr Tickner, Chairman, dated 27 May 1987, together with draft guidelines for preparation of departmental annual reports.

24 **PUBLIC WORKS COMMITTEE—REPORT:** Mr Millar (Vice-Chairman) presented the following report from the Parliamentary Standing Committee on Public Works: Supplementary report relating to the development of new utility helicopter facilities at RAAF Base, Townsville—Provision of 15 new married quarters (5th report of 1987).

25 **PARLIAMENTARY ZONE—INSTALLATION OF TRAFFIC CONTROL SIGNALS—APPROVAL OF PROPOSAL:** Mr Kerin (Minister for Primary Industry), for Mr Scholes (Minister for Territories), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal contained in the report of the Joint Standing Committee on the New Parliament House presented to the House on 3 June 1987, namely: The installation of traffic control signals in Parkes at the intersection of Kings Avenue with King George Terrace and Macquarie Street.

Question—put and passed.

- 26 **CASH TRANSACTION REPORTS BILL 1987:** 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, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the Bill be referred to a select committee of both Houses to report to Parliament as soon as possible”—

Debate resumed.

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.

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*In the committee*

Bill, by leave, taken as a whole.

On the motion of Mr Bowen (Attorney-General), the following amendment was made, after debate: Clause 24, page 24, lines 9-15, omit subclause (3), insert the following subclause:

“(3) A police officer, or a customs officer included in a class of officers in respect of which a declaration under section 196 of the *Customs Act 1901* is in force, may, with such assistance as is reasonable and necessary:

(a) examine and search any article which a person who is about to leave Australia or who arrives in Australia has with him or her; and

(b) if the officer has reasonable grounds to believe that there is, on a person or in the clothing that is being worn by a person who is about to leave Australia or who arrives in Australia, currency in respect of which a report under section 13 is required—search the person;

for the purpose of ascertaining whether the person has with him or her any currency in respect of which a report under section 13 is required.”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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The House resumed; Mr Mountford reported accordingly.

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

- 27 **SPECIAL ADJOURNMENT:** Mr Hawke (Prime Minister) moved—That the House, at its rising, adjourn until a date and hour to be fixed by the Speaker or, in the event of the Speaker being unavailable, by the Chairman of Committees, which time of meeting shall be notified to each Member by telegram or letter.

Debate ensued.

Question—put and passed.

- 28 **LEAVE OF ABSENCE TO ALL MEMBERS:** Mr Bowen (Attorney-General) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

- 29 **MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL 1987:** The following message from the Senate was reported:

Message No. 483

Madam Speaker,

The Senate returns to the House of Representatives the Bill for “*An Act to amend the Telecommunications (Interception) Act 1979, 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.

KERRY SIBRAA  
President

The Senate,  
Canberra, 4 June 1987

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

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*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 34, clause 21, proposed section 64, lines 1 to 23, leave out the proposed section.

No. 2—Page 37, clause 21, proposed section 74, lines 33 and 34, leave out “64 or”.

On the motion of Mr Bowen (Attorney-General), the amendments were agreed to, after debate.

Resolution to be reported.

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The House resumed; Mr McLeay reported accordingly.

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

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

4 June 1987—Message—

No. 479—Mutual Assistance in Criminal Matters 1987.

No. 480—Mutual Assistance in Criminal Matters (Consequential Amendments) 1987.

No. 481—Proceeds of Crime 1987.

No. 482—Proceeds of Crime (Miscellaneous Amendments) 1987.

31 **ADJOURNMENT:** Mr Bowen (Attorney-General) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 7 p.m., adjourned until a date and hour to be fixed in accordance with the resolution agreed to this day.

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**PAPER:** The following paper was deemed to have been presented on 4 June 1987:

Australian Meat and Live-stock Corporation Act—Order—1987—M32/87—Corporation's Forms 4, 9 and 10: Meat.

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Mr Coleman, Mr Drummond, Mr R. F. Edwards, Mr Fitzgibbon, Mr Jacobi, Mr Keogh, Mr McGauran, Mr Slipper, Mr Staples, Mr Tuckey and Dr Watson.

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A. R. BROWNING  
Clerk of the House of Representatives

## APPENDIX 1

### Messages from the Senate

Messages from the Senate returning the following Bills without amendment were received after the adjournment of the House on 4 June 1987:

4 June 1987—

- No. 484—Egg Industry Research (Hen Quota) Levy Collection 1987.
- No. 485—Egg Industry Research (Hen Quota) Levy 1987 (*without requests*).
- No. 486—Nursing Homes and Hostels Legislation Amendment 1987.
- No. 487—Veterans' Affairs Legislation Amendment 1987.
- No. 488—Wool Marketing 1987.
- No. 489—
  - Wool Tax (No. 1) Amendment 1987 (*without requests*).
  - Wool Tax (No. 2) Amendment 1987 (*without requests*).
  - Wool Tax (No. 3) Amendment 1987 (*without requests*).
  - Wool Tax (No. 4) Amendment 1987 (*without requests*).
  - Wool Tax (No. 5) Amendment 1987 (*without requests*).



## APPENDIX 2

# Messages from His Excellency the Governor-General

### ASSENT TO BILLS

The following Messages from His Excellency the Governor-General intimating that His Excellency in the name of Her Majesty had assented to the following Bills, were received after the adjournment of the House on 4 June 1987:

*5 June 1987—*

- No. 262—States Grants (Tertiary Education Assistance) Amendment 1987.  
States Grants (Schools Assistance) Amendment 1987.  
States Grants (Education Assistance—Participation and Equity) Amendment 1987.
- No. 263—Aboriginal and Torres Strait Islander Heritage Protection Amendment 1987.  
Aboriginal Land Rights (Northern Territory) Amendment 1987.
- No. 264—Australian Institute of Health 1987.
- No. 265—Sales Tax Laws Amendment 1987.  
Customs Tariff (Commonwealth Authorities) Amendment 1987.  
Health Legislation Amendment 1987.  
Local Government (Financial Assistance) Amendment 1987.
- No. 266—Wool Tax (No. 1) Amendment 1987.  
Wool Tax (No. 2) Amendment 1987.  
Wool Tax (No. 3) Amendment 1987.  
Wool Tax (No. 4) Amendment 1987.  
Wool Tax (No. 5) Amendment 1987.
- No. 267—Customs (Valuation) Amendment 1987.  
Customs Tariff Amendment 1987.  
Excise Tariff Amendment 1987.  
Bounty and Subsidy Legislation Amendment 1987.  
Customs Tariff Validation 1987.  
Excise Tariff Validation 1987.  
Customs Tariff (Uranium Concentrate Export Duty) Amendment 1987.
- No. 268—Taxation Laws Amendment (Company Distributions) 1987.  
Income Tax (Franking Deficit) 1987.  
Income Tax Rates Amendment 1987.  
Taxation Laws Amendment 1987.  
Taxation Laws Amendment (No. 2) 1987.  
Bank Account Debits Tax Amendment 1987.  
Income Tax Amendment 1987.
- No. 269—Defence Legislation Amendment 1987.
- No. 270—Radio Licence Fees Amendment 1987.  
Television Licence Fees Amendment (No. 2) 1987.  
Broadcasting (Ownership and Control) 1987.  
Communications Legislation Amendment 1987.

- No. 271—Egg Industry Research (Hen Quota) Levy 1987.  
Ministers of State Amendment 1987.  
Nursing Homes and Hostels Legislation Amendment 1987.  
Proceeds of Crime (Miscellaneous Amendments) 1987.  
Ships (Capital Grants) 1987.
- No. 272—Aboriginal Land Rights (Northern Territory) Amendment (No. 3) 1987.
- No. 273—Customs Tariff (Miscellaneous Amendments) 1987.  
Social Security Amendment 1987.  
Veterans' Affairs Legislation Amendment 1987.
- No. 274—Broadcasting Amendment 1987.  
Broadcasting Amendment (No. 2) 1987.  
Customs and Excise Legislation Amendment 1987.  
Customs Tariff 1987.  
Customs Tariff (Installations at Sea) 1987.  
Egg Industry Research (Hen Quota) Levy Collection 1987.  
Mutual Assistance in Criminal Matters 1987.  
Mutual Assistance in Criminal Matters (Consequential Amendments) 1987.  
Proceeds of Crime 1987.  
Social Security and Veterans' Entitlements Amendment 1987.  
Telecommunications (Interception) Amendment 1987.  
Wool Marketing 1987.

## APPENDIX 3

# Dissolution of the House of Representatives and Issue of Writs

Extract from the *Commonwealth of Australia Gazette*, No. S 114

Dated 5 June 1987

### PROCLAMATION

Commonwealth of Australia

NINIAN STEPHEN

Governor-General

By His Excellency the Governor-General

of the Commonwealth of Australia

WHEREAS by section 57 of the Constitution it is provided that if the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously:

AND WHEREAS the conditions upon which the Governor-General is empowered by that section of the Constitution to dissolve the Senate and House of Representatives simultaneously have been fulfilled in respect of the proposed law intituled *Australia Card Bill 1986*:

NOW THEREFORE I, SIR NINIAN MARTIN STEPHEN, the Governor-General of the Commonwealth of Australia, do by this my proclamation dissolve the Senate and the House of Representatives at 5.00 o'clock in the afternoon on Friday, 5 June 1987.

(L.S.) GIVEN under my Hand and the Great Seal of Australia on 5 June 1987.

By His Excellency's Command,

R. J. L. HAWKE

Prime Minister

GOD SAVE THE QUEEN!