

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 132

THURSDAY, 17 AUGUST 1989

1 The House met, at 10 a.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.

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

Mr Adermann, Mr Braithwaite, Mr D. M. Cameron, Mr I. M. D. Cameron, Mr Gayler, Mr Hicks, Mr Johns, Mr Jull, Mr Lindsay, Mr Moore, Mr Ruddock, Mr L. J. Scott, Mr Sharp, Mr Snowdon, Mr Taylor and Mr White, from 175, 302, 395, 819, 5373, 21, 1505, 660, 1845, 271, 43, 299, 5, 156, 2893 and 116 petitioners, respectively, praying that funding of abortions through Medicare cease and certain other action be taken to protect the right to life of the unborn.

Mr Anderson, Dr Blewett, Mr Bowen, Mr Cadman, Mr Carlton, Mr Cohen, Mr Free, Mr Howard, Mr Mountford, Mr Ruddock, Mr Webster, Mr West and Dr Woods, from 91, 347, 210, 20, 278, 24, 27, 122, 47, 9, 101, 99 and 57 748 petitioners, respectively, praying that the restructuring of the Pharmaceutical Benefits Scheme be reconsidered.

Dr Blewett, Mr N. A. Brown, Mr Cunningham, Mr Gayler, Mr Holding, Mr Howe, Mr Kerin, Mr Peacock, Mr Robinson, Mr Snowdon, Mr Taylor, Dr Theophanous and Mr Willis, from 1250, 63, 12, 790, 242, 55, 246, 266, 106, 112, 603, 72 and 126 petitioners, respectively, praying that action to reverse rising cost trends be taken and positive incentives provided to encourage all health funds to share the cost of health care for the sick and elderly.

Mr Adermann, Mr I. M. D. Cameron, Mr Chynoweth, Dr H. R. Edwards, Mr Gayler, Mr Jull, Mr Katter, Mr Lindsay, Mr Millar, Mr Pratt, Mr Punch and Mr Ruddock, from 86, 57, 66, 29, 14, 6, 35, 114, 34, 18, 34 and 36 petitioners, respectively, praying that the importation and availability of pornography in videos, films and television be banned and certain other action be taken in relation to pornography.

Mr Baldwin, Mr Brumby, Dr H. R. Edwards, Mr Holding, Mr Kerr, Mr MacKellar, Mr Simmons, Mr Snow, Mr Spender and Mr Webster, from 24, 72, 23, 12, 12, 24, 84, 12, 11 and 72 petitioners, respectively, praying that an International Earth Repair Action Decade begin on 5 June 1990.

Mr Burr, Mr P. S. Fisher, Mr Jull, Mr Moore, Mr Ruddock, Mr Spender, Mr Taylor and Mr Webster, from 25, 359, 103, 149, 16, 75, 1695 and 232 petitioners, respectively, praying that the excessive reliance on high interest rates as the major economic policy weapon cease.

Mr Adermann, Dr Blewett, Mr R. F. Edwards, Mr Hand, Mr Howe and Mr Millar, from 14, 11, 523, 40, 864 and 874 petitioners, respectively, praying that the aged pension be increased to 30 per cent of average weekly earnings and certain other action be taken in relation to pensions.

- Mr Aldred, Mr N. A. Brown, Mr Burr, Mr Kerr and Mrs Sullivan, from 641, 619, 102, 245 and 131 petitioners, respectively, praying that legislation be enacted to establish a savings fund to encourage saving by young people and to provide low interest housing loans to its contributors.
- Mr Howard and Mr Mountford, from 1024 and 994 petitioners, respectively, in similar terms.
- Mr R. J. Brown, Mr Fitzgibbon, Mr T. A. Fischer, Mr Lee and Mr West, from 135, 41, 84, 825 and 287 petitioners, respectively, praying that the importing and exporting of chlorofluorocarbons be banned and certain other legislative action be taken in response to the greenhouse effect.
- Mr Anderson, Mr T. A. Fischer, Mr Sharp and Mr Simmons, from 14, 155, 132 and 1706 petitioners, respectively, praying that the allocation to roads from fuel excise revenue be increased by 10 cents per litre from existing taxes and continue at that level for the next decade with adjustments for changes in fuel prices.
- Mr Andrew, Mr Downer, Mr J. L. Scott and Dr Woods, from 63, 1431, 59 and 349 petitioners, respectively, praying that certain action be taken to ensure the viability of community pharmacists.
- Mr R. J. Brown, Mr P. F. Morris, Mr West and Dr Woods, from 154, 25, 169 and 25 725 petitioners, respectively, praying that the provision of an adequately funded pharmaceutical benefits scheme which ensures availability of pharmaceutical benefits through local pharmacies be guaranteed.
- Mr E. C. Cameron, Mr Duffy, Dr Hewson and Dr Woods, from 32, 92, 27 and 21 petitioners, respectively, praying that the decision to place certain pharmaceutical drugs on the "Authority only" listing be abandoned.
- Mr Howe, Mr Langmore, Mr L. J. Scott and Mr Staples, from 166, 311, 349 and 184 petitioners, respectively, praying that mining and mineral exploration in the Kakadu conservation zone be halted and certain other action be taken in relation to Kakadu National Park.
- Mr Hand, Mr Lamb and Mr Milton, from 103, 91 and 35 petitioners, respectively, praying that the observance of Romania's obligations under the Treaty of Trianon (1920) and the Peace Treaty of Paris (1947) be investigated and that certain other action be taken as a result of that investigation.
- Mr Adermann and Mr Courtice, from 52 and 72 petitioners, respectively, praying that a scheme to help overcome financial burdens of Australian diabetics be considered.
- Mr Andrew and Mr Downer, from 153 and 361 country residents of South Australia, respectively, praying that funding of roads from Federal fuel taxes be increased to the equivalent of seven cents per litre and that it be indexed to the CPI.
- Mr Baldwin and Mr Hand, from 11 and 33 petitioners, respectively, praying that the Shark Bay region, WA, be declared a national park and nominated for World Heritage listing.
- Mrs Harvey and Mr J. L. Scott, from 30 and 10 petitioners, respectively, praying that Australia withdraw from the Asian Regional Co-operative Project on Food Irradiation and from the International Consultative Group on Food Irradiation and certain other action be taken in relation to food irradiation.
- Mr Johns and Ms McHugh, from 1433 and 167 petitioners, respectively, praying that any attempt to restrict access to abortion under Medicare be opposed.
- Mr Lee and Dr Woods, from 267 and 5349 petitioners, respectively, praying that proposed cuts in funding of pharmaceutical benefits be rejected and a family chemist service maintained.

- Mr Adermann, from 1080 petitioners, praying that the proposed reduction in expenditure on the Pharmaceutical Benefits Scheme and remuneration to pharmacists be reversed.
- Mr Anderson, from 46 petitioners, praying that construction of a third runway at Kingsford-Smith Airport and upgrading of existing radar and traffic control facilities be approved immediately.
- Mr Andrew, from 1001 petitioners, praying that due consideration be given to increasing the amount of funds available to local government authorities for roadworks.
- Mr Andrew, from 130 petitioners, praying that the necessary legislative action be taken to promote conservation and protect the environment.
- Dr Blewett, from 412 petitioners, praying that all advertising of alcohol on radio and television be banned.
- Dr Blewett, from 144 petitioners, praying that the Medicare rebate for laser treatment of port wine stains and tuberous sclerosis be returned to the level existing prior to February 1989.
- Mr N. A. Brown, from 8 petitioners, praying that family allowances be restored to their 1976 value and certain other action be taken to assist taxpayers with dependent children.
- Mr Brumby, from 59 members of the Catholic community of Pyramid Hill, Serpentine and Dingee, Vic., praying that the employment of topless barmaids be banned.
- Mr D. M. Cameron, from 980 petitioners, praying that the training of horses be strictly policed and other action be taken to stop cruelty to animals.
- Mr Campbell, from 290 petitioners, praying that the decision to tax gold producers be reversed.
- Mr Dawkins, from 575 petitioners, praying that the French Government be urged to abandon plans to use the Kerguelan Islands as its proposed nuclear testing base.
- Mr Downer, from 18 petitioners, praying that the construction of a radar tower at Marble Hill, SA, not proceed.
- Mr Dubois, from 2530 petitioners, praying that legislation be instituted to protect endangered Australian native plant and animal species and their habitats.
- Mr T. A. Fischer, from 7520 petitioners, praying that legislative action be taken to reduce maximum interest rates on family home mortgages first to 13.5 per cent and subsequently to 10 per cent.
- Mr T. A. Fischer, from 254 petitioners, praying that CPI-based increases to fuel excise be halved and the proportion of this tax spent on roads increased by one half.
- Mr T. A. Fischer, from 12 petitioners, praying that the administration of tax file number related legislation by the Australian Taxation Office be referred to the House of Representatives Standing Committee on Finance and Public Administration for investigation.
- Mr Free, from 5 petitioners, praying that the Constitutional Alteration (Electors Initiative) Bill 1987 be referred to a parliamentary committee and certain other action be taken in relation to the Bill.
- Mr Gayler, from 43 petitioners, praying that the circulation of X-rated videos be prevented and laws regarding obscenity in the media be revived and enforced.
- Mr Goodluck, from 300 petitioners, praying that the major recommendations of the Senate Select Committee on the Human Embryo Experimentation Bill 1985 be implemented without delay.
- Mr Hall, from 2530 petitioners, praying that the Flags Amendment Bill receive a speedy passage.
- Mr Hall, from 262 petitioners, praying that the necessary restraints and policies be applied to reduce home loan interest rates.

- Mr Hand, from 20 petitioners, praying that the Cameron House and Dickins Lodge programs in Melbourne be supported.
- Mr Hawke, from 112 petitioners, praying that foreign nationals be permitted only to lease Australian land and property.
- Mr Katter, from 10 petitioners, praying that legislation to end Medicare support of abortion be supported.
- Mrs Kelly, from 719 residents of the Australian Capital Territory, praying that appropriate policies be instigated to reduce home loan interest rates and certain other action be taken to encourage domestic savings.
- Mr Langmore, from 1266 petitioners, praying that the last line in each chorus of the National Song be altered from "Advance Australia Fair" to "God bless Australia Fair".
- Mr Langmore, from 480 petitioners, praying that the Chinese leadership be condemned, the safety of all Chinese students in Australia be guaranteed and other action be taken in support of the Chinese people's struggle against oppression.
- Mr Lloyd, from 101 petitioners, praying that legislation be amended to allow cheaper fuel for country people.
- Mr Lloyd, from 89 petitioners, praying that access to SBS be extended to the Goulburn Valley and north-eastern Victoria.
- Mr McArthur, from 11 161 petitioners, praying that the Income Tax Assessment Act be amended to ensure tax exemption for pony clubs.
- Mr Porter, from 242 residents of the Riverland, SA, praying that a grant for staff and equipment be provided to the Berri Regional Hospital to allow for regular mammogram screening of women.
- Mr Prosser, from 225 petitioners, praying for the immediate imposition of a moratorium on food irradiation and for certain other action in relation to the use of ionising radiation.
- Mr Prosser, from 120 petitioners, praying for better economic management and lower interest rates on home loans.
- Mr Robinson, from 59 residents of the Division of Page, praying that legislation be passed to ban the distribution of X-rated videos.
- Mr Sawford, from 191 petitioners, praying that nursing hours within nursing homes in South Australia be increased.
- Mr J. L. Scott, from 21 petitioners, praying that importation of cobalt 60 and other radioactive substances be banned and regulations permitting irradiation of food in Australia be disallowed.
- Mr Shack, from 1898 petitioners, praying that the findings of the Senate Select Committee on Animal Welfare on the export of live sheep from Australia be accepted and its recommendations implemented.
- Mr Sharp, from 169 petitioners, praying that the existing legislation in respect of foreign ownership of Australian land be implemented and strengthened.
- Mr Spender, from 31 petitioners, praying that all foreign forces be called upon to withdraw from Lebanon.
- Mr Taylor, from 447 petitioners, praying that no action be taken to change the national flag.
- Mr Taylor, from 35 petitioners, praying that an inquiry, with Aboriginal representation, be held into police investigation procedures and that other action be taken concerning the police and Aborigines.
- Mr Webster, from 47 residents of New South Wales, praying for legislative action to prevent Medicare payments for abortion related expenses.
- Mr Webster, from 20 petitioners, praying that the importation and possession of child pornography be made a criminal offence and certain other action be taken in relation to pornography in the ACT.
- Mr Wilson, from 4901 petitioners, praying that foreign investment in Australian property, businesses and resources be limited to 45 per cent of each purchase.

Dr Woods, from 290 petitioners, praying that the decision to place certain drugs on the "Authorities Required" list be reversed.

Petitions received.

3 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Lee (Chairman) presented the following report and related papers:

Electoral Matters—Joint Standing Committee—Report No. 4—Who pays the piper calls the tune: minimising the risks of funding political campaigns—Inquiry into the conduct of the 1987 federal election and 1988 referendums—Report, including dissenting reports, dated June 1989.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Lee, Dr Woolkridge, Mr Lavarch, Mr Cobb and Mrs Jakobsen made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Lee moved—That the House take note of the report.

In accordance with sessional order 102B, the debate was adjourned, and the resumption of the debate made an order of the day for the next sitting Thursday.

4 ABORTION FUNDING ABOLITION BILL 1989: Mr Webster, pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Act 1973* so as to prevent payment of medicare benefits in respect of certain medical services relating to the procuring of an abortion, and for related purposes.

Mr Webster made a statement in relation to the Bill.

Paper: Mr Webster, by leave, presented an explanatory memorandum to the Bill. Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Thursday, in accordance with sessional order 104A.

5 INDUSTRIAL RELATIONS (DIRECTIONS TO STOP INDUSTRIAL ACTION) AMENDMENT BILL 1989: Mr Reith, pursuant to notice, presented a Bill for an Act to amend the *Industrial Relations Act 1988* to empower the Australian Industrial Relations Commission to give directions to stop industrial action, and for related purposes.

Mr Reith made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Thursday, in accordance with sessional order 104A.

6 NATIONAL SPACE PROGRAM: Mr Smith, pursuant to notice, moved—That this House:

- (1) recognises the need for Australia to develop urgently a national space program;
- (2) acknowledges the growing contribution of space industries to the nation's economy; and
- (3) recognises the catalytic role of Government in providing a suitable environment for space-related industries to work in.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Downer was granted leave to continue his speech when the debate is resumed.

7 SOUTH EAST ASIA AND THE PACIFIC: Mr Nehl, pursuant to notice, moved—That this House acknowledges the importance and significance of South East Asia and the Pacific to Australia's future.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Shipton was granted leave to continue his speech when the debate is resumed.

8 COASTAL DEVELOPMENTS: Mr Tickner, pursuant to notice, moved—That this House:

- (1) expresses its concern about the impact of poorly planned and damaging coastal developments, already proceeding and planned, particularly along the coastline of New South Wales and Queensland; and
- (2) calls on the governments of New South Wales and Queensland to control developments to prevent further damage to fisheries, reefs, mangroves, wetlands and the coastal environment.

It being 12.30 p.m., the debate was interrupted in accordance with sessional order 104A, the resumption of the debate made an order of the day for the next sitting Thursday, and Mr Tickner was granted leave to continue his speech when the debate is resumed.

9 GRIEVANCE DEBATE: Pursuant to the provisions of sessional order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Paper: Mr Uren, by leave, presented the following paper:

Community Services and Health—Caucus sub-committee—Briefing paper on provision of benefits and services to ex-prisoners of war.

Debate continued.

It being 1.45 p.m., the debate was interrupted in accordance with sessional order 106.

Question—That grievances be noted—put and passed.

10 MEMBERS' STATEMENTS: Members' statements were made.

11 QUESTIONS: Questions without notice were asked.

12 PAPER: Madam Speaker presented the following paper:

Reserve Bank Act—Reserve Bank of Australia—Report and financial statements, including the Auditor-General's Report and freedom of information statement, for 1988-89.

13 PULP MILLS—MODERN TECHNOLOGY AND ENVIRONMENTAL PROTECTION—REPORT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Leader of the House) presented the following paper:

Pulp mills—Modern technology and environmental protection—Report to Minister for Industry, Technology and Commerce by Dr C. B. Fandry, Dr R. E. Johannes and Dr P. J. Nelson of the Commonwealth Scientific and Industrial Research Organisation, June 1989—

and moved—That the House take note of the paper.

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

14 PRIME MINISTER—VISITS TO EUROPE, THE UNITED STATES OF AMERICA AND THE SOUTH PACIFIC FORUM—MINISTERIAL STATEMENT AND PAPERS: Mr Hawke (Prime Minister), by leave, made a ministerial statement concerning his recent visits to France, the United Kingdom, the United States of America, the Federal Republic of Germany, Hungary and to the South Pacific Forum, and presented the following papers:

South Pacific Forum—20th Meeting, Tarawa, Kiribati, 10-11 July 1989—

Communique, dated 11 July 1989.

Declaration on pelagic drift net fishing, dated 11 July 1989.

Mr Peacock (Leader of the Opposition), by leave, also made a statement in connection with the matter.

15 SELECTION COMMITTEE—REPORT: Mr McLeay (Chairman) presented the report of the Selection Committee relating to the program of business prior to 12.30 p.m. on Thursday, 31 August 1989.

16 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HOME OWNERS: The House was informed that Mr Tuckey had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's callous disregard for the plight of Australian home owners".

The proposed discussion having received the necessary support—

Mr Tuckey addressed the House.

Discussion ensued.

Discussion concluded.

17 SPECIAL ADJOURNMENT: Mr R. J. Brown (Minister for Land Transport and Shipping Support) moved—That the House, at its rising, adjourn until Tuesday, 29 August 1989, at 2 p.m., unless Madam Speaker fixes an alternative day or hour of meeting.

Question—put and passed.

18 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—MEMBERSHIP: The House was informed that the Opposition Whip had nominated Mr Spender to be a member of the Standing Committee on Legal and Constitutional Affairs in place of Mr Moore.

19 PUBLIC ACCOUNTS COMMITTEE—295TH REPORT—STATEMENT BY MEMBER: Mr Tickner (Chairman), by leave, made a statement concerning action taken on recommendations contained in the 295th report of the Joint Committee of Public Accounts—Therapeutic goods.

20 CRIMES (SUPERANNUATION BENEFITS) BILL 1989: Mr Bowen (Attorney-General), pursuant to notice, presented a Bill for an Act relating to certain superannuation benefits paid or payable to or in respect of certain persons convicted of corruption offences, and for related purposes.

Bill read a first time.

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

Paper: Mr Bowen presented an explanatory memorandum to the Bill.

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

21 AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1989: Mr Bowen (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Australian Federal Police Act 1979*.

Bill read a first time.

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

Paper: Mr Bowen presented an explanatory memorandum to the Bill.

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

22 JUDICIAL AND STATUTORY OFFICERS REMUNERATION LEGISLATION AMENDMENT BILL 1989: Mr Bowen (Attorney-General), for Mr P. F. Morris (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend legislation relating to the remuneration of the holders of certain judicial and statutory offices, and for related purposes.

Bill read a first time.

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

Paper: Mr Bowen presented an explanatory memorandum to the Bill.

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

- 23 **FACILITIES, 2ND CAVALRY REGIMENT, DARWIN—CONSTRUCTION—APPROVAL OF WORK:** Mr West (Minister for Administrative Services), 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: Construction of facilities for 2nd Cavalry Regiment, Darwin.

Debate ensued.

Question—put and passed.

- 24 **CHILD SUPPORT (ASSESSMENT) BILL 1989:** The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

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In the committee

Clause 29—

Debate resumed on the clause and on the amendment moved by Mr Wilson, viz.:

Page 11, lines 34-36, omit paragraph (c), substitute the following paragraph:

“(c) child support is payable for the child by the liable parent to the custodian entitled to child support on and from:

- (i) if the application was made to the Registrar within 28 days after the earliest day or the most recent earliest day, as the case requires, on which an application for administrative assessment of child support could properly be made by the custodian entitled to child support seeking payment of child support for the child from the liable parent—that earliest day; or
- (ii) in any other case—the 28th day before the day on which the application was made to the Registrar or such later day as may be accepted by the Registrar, not being a day later than the day on which the application was made to the Registrar; and”.

Question—put.

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

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Mr Adermann	Mr Cobb	Mr Jull	Mr Ruddock
Mr Aldred	Mr Cowan	Mr Lloyd	Mr Shack
Mr Anderson	Mr Dobie	Mr McArthur	Mr Sharp
Mr Andrew	Mr Downer	Mr MacKellar	Mr Shipton
Mr Beale	Dr H. R. Edwards	Mr Macphee	Mr Sinclair
Mr Blunt	Mr Fife	Mr Miles	Mr Smith
Mr Braithwaite	Mr T. A. Fischer	Mr Moore	Mr Spender
Mr N. A. Brown	Mr P. S. Fisher	Mr Nehl	Mrs Sullivan
Mr Burr	Mr Goodluck	Mr Porter	Mr Taylor
Mr Cadman	Mr Hall	Mr Pratt	Mr Tuckey
Mr D. M. Cameron	Mr Hawker*	Mr Prosser	Mr Webster
Mr E. C. Cameron	Dr Hewson	Mr Reith	Mr Wilson
Mr I. M. D. Cameron	Mr Hicks*	Mr Robinson	Dr Woods
Mr Carlton	Mr Howard	Mr Rocher	Dr Wooldridge

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Mr Baldwin	Mr Duffy	Mrs Kelly	Mr Saunderson
Mr Beazley	Mr Duncan	Mr Kent	Mr Sawford
Mr Beddall	Ms Fatin	Mr Kerin	Mr Scholes
Mr Bilney	Mr Fitzgibbon	Mr Kerr	Mr Sciacca
Mr Blanchard	Mr Free	Dr Klugman	Mr J. L. Scott
Mr Bowen	Mr Gayler	Mr Lamb*	Mr L. J. Scott
Mr J. J. Brown	Mr Gear	Mr Langmore	Mr Simmons
Mr R. J. Brown	Mr Gorman	Mr Lavarch	Mr Snow
Mr Brumby	Mr Grace	Mr Lee	Mr Snowdon
Mr Campbell	Mr Griffiths	Mr Lindsay	Mr Staples
Mr Charles	Mr Hand	Ms McHugh	Dr Theophanous
Mr Chynoweth	Mrs Harvey	Mr McLeay	Mr Tickner
Mr Cleeland	Mr Holding	Mr Martin	Mr Uren
Mr Courtice	Mr Hollis	Mr Mildren	Mr West
Ms Crawford	Mr Howe	Mr Milton	Mr Willis
Mr Cross	Mr Humphreys	Mr A. A. Morris	Mr Wright
Mr Cunningham*	Mr Jenkins	Mr O'Keefe	
Mrs Darling	Mr Johns	Mr O'Neil	
Mr Dubois	Mr Jones	Mr Price	

* Tellers

And so it was negatived.

On the motion of Mr Howe (Minister for Social Security), by leave, the following amendments were made together:

Page 11, lines 34-42, omit paragraphs (1) (c) and (d), substitute the following paragraphs:

“(c) child support is payable for the child by the liable parent to the custodian entitled to child support; and

(d) the child support is payable in relation to the days in the period:

(i) beginning on:

(A) if the application was made to the Registrar within 28 days after the earliest day or the most recent earliest day, as the case requires, on which an application for administrative assessment of child support could properly be made by the custodian entitled to child support seeking payment of child support for the child from the liable parent—that earliest day; or

(B) in any other case—the day on which the application was made to the Registrar; and

(ii) ending on the day immediately before the day on which a child support terminating event happens in relation to the child, the custodian entitled to child support, the liable parent or all 3 of them.”.

Page 12, line 1, omit “immediately”, substitute “as quickly as practicable”.

Page 12, lines 1 and 2, omit “for the child”, substitute “by the liable parent to the custodian entitled to child support”.

Page 12, line 5, after “before” insert “, or as early as practicable after,”.

Page 12, line 7, omit “for the child”, substitute “by the liable parent to the custodian entitled to child support”.

Clause, as amended, agreed to.

New clause—

On the motion of Mr Howe, the following new clause was inserted in Division 2 of Part 3 of the Bill:

Withdrawal of application by applicant

“29A. (1) Where:

(a) a person has made an application to the Registrar for administrative assessment of child support for a child; and

(b) the Registrar has not accepted, or refused to accept, the application; the person may, by written notice given to the Registrar, withdraw the application.

“(2) The notice must be:

- (a) in the appropriate approved form; and
- (b) verified as required by the form of notice; and
- (c) accompanied by such documents (if any) as are required by the form of notice to accompany the notice.

“(3) A document that accompanies the notice must also be verified as required by the form of notice.

“(4) Where a notice that complies with subsections (2) and (3) is given to the Registrar in relation to an application for administrative assessment, the application is to be taken not to have been made.”.

Clauses 30 and 31, by leave, taken together.

On the motion of Mr Howe, by leave, the following amendments were made together:

Clause 30, page 12, lines 15-20, omit subclause (2), substitute the following subclause:

“(2) The notice must include, or be accompanied by, a statement that specifically draws the attention of the applicant to the right, subject to the *Family Law Act 1975*, to apply to a court having jurisdiction under this Act for a declaration under section 71 that the applicant was entitled to administrative assessment of child support for the child payable by the person from whom the application sought payment of child support.”.

Clause 31, page 12, lines 28-33, omit subclause (2), substitute the following subclause:

“(2) The notice must also include, or be accompanied by, a statement that specifically draws the attention of the person from whom the application sought payment of child support to the right, subject to the *Family Law Act 1975*, to apply to a court having jurisdiction under this Act for a declaration under section 72 that the applicant was not entitled to administrative assessment of child support for the child payable by the person.”.

Clauses, as amended, agreed to.

Proposed new Part—

Mr Wilson, by leave, moved—That the following new Part 3A (comprising new clauses 31A and 31B) be inserted in the Bill:

“PART 3A—APPLICATIONS TO COURT FOR ADMINISTRATIVE ASSESSMENT OF CHILD SUPPORT

Application may be made to court for administrative assessment

“31A. Where:

- (a) a person, on the commencing day, is in receipt of an income tested pension, allowance or benefit with respect to a child; and
 - (b) the child would not, apart from this section, be an eligible child;
- application may be made to a court, having or exercising jurisdiction under section 64, for the making of a decree that the child is, for the purposes of this Act, deemed to be an eligible child.

Administrative assessment of child support for deemed eligible children

“31B. Where a court makes a decree under section 31A that a child is deemed to be an eligible child, the provisions of this Act apply to the child as if he or she were an eligible child.”.

Debate continued.

Proposed new Part negatived.

Clauses 32 to 51, by leave, taken together.

On the motion of Mr Howe, by leave, the following amendments were made together:

Clause 32, page 13, at the end of the clause add the following word and paragraph:

“; and (c) subject to any provisions of a child support agreement that have effect, for the purposes of this Part, as if they were such an order made by consent.”.

Clause 35, page 13, line 21, after “amount” insert “in relation to the days in the child support year”.

Clause 37, page 14, lines 21-24, omit the clause, substitute the following clause:

Division subject to departure orders and child support agreements

“37. This Division applies subject to:

(a) any order made by a court under Division 4 of Part 5 (Orders for departure from administrative assessment in special circumstances); and

(b) any provisions of a child support agreement that have effect, for the purposes of this Part, as if they were such an order made by consent.”.

Clause 38—

Page 14, line 28, omit “, in relation to a day in a child support year,”.

Page 14, line 29, after “amount” insert “in relation to the days in a child support year”.

Page 14, line 30, after “amount” insert “in relation to a day in the child support year”.

Clause 39—

Page 14, line 35, omit “, in relation to a day in a child support year,”.

Page 14, line 36, after “amount” insert “in relation to the days in a child support year”.

Page 14, line 38, omit “that day”, substitute “any day in the child support year”.

Clause 42, page 15, line 23, after “amount” insert “in relation to the days in the child support year”.

Clause 43, page 15, lines 37 and 40, and page 16, line 2, before “year” insert “child support”.

Clause 44, page 16, at the end of the clause add the following subclause:

“(2) This Subdivision applies in relation to the relevant parents whether or not both relevant parents have applied for administrative assessment of child support against each other.”.

Clause 45—

Page 16, lines 40 and 41, omit “(with each shared custody child taken to be half a child)”, substitute “(with the number attributed to each shared custody child taken to be 0.5)”.

Page 17, table at the foot of paragraph (e), after “5.0” insert “or more”.

Clause 51—

Page 19, lines 8 and 9, omit “(with each shared custody child (if any) taken to be half a child)”, substitute “(with the number attributed to each shared custody child of the liable parent and the custodian entitled to child support taken to be 0.5)”.

Page 19, lines 12-14, omit “(with each shared custody child of the liable parent (if any) taken to be half a child)”, substitute “(with the number attributed to each shared custody child of the liable parent taken to be 0.5)”.

Page 19, lines 15-26, omit paragraph (c), substitute the following paragraph:

“(c) if Subdivision E (Children shared or divided between parents) is applicable in relation to the liable parent in relation to any of the custodians entitled to child support, the child support percentage

that would, apart from this paragraph, be applicable in relation to the liable parent under section 45 is to be taken to be the percentage ascertained using the following table (with 'total number of children' having the meaning given in paragraph (b)):

**MODIFIED TABLE OF CHILD SUPPORT
PERCENTAGES**

Total number of children	Child support percentage
0.5	12%
1.0	18%
1.5	24%
2.0	27%
2.5	30%
3.0	32%
3.5	33%
4.0	34%
4.5	35%
5.0 or more	36%

Page 19, lines 28 and 29, omit "as if section 49 were disregarded", substitute "disregarding section 49 (Cap on combined child support liabilities of 2 liable parents)".

Clauses, as amended, agreed to.

Additional heading to Division 3—

On the motion of Mr Howe, the following amendment was made: Page 19, after the heading to Division 3, insert the following heading:

"Subdivision A—Child support income amount determined by reference to taxable income for last relevant year of income"

Clause 52 agreed to.

Clause 53—

On the motion of Mr Howe, by leave, the clause was omitted, and the following clauses substituted:

Taxable income assessed under Income Tax Assessment Act to be taxable income for child support purposes

"53. (1) Subject to this section and section 53A, where an assessment has been made of a person's taxable income under the *Income Tax Assessment Act 1936* for a year of income and of the tax payable on that taxable income, then, in making an administrative assessment, the person's taxable income under that Act for the year of income is, for the purposes of this Act, to be taken to be that taxable income as so assessed or as last so assessed, as the case requires, before the making of the administrative assessment.

"(2) Subject to subsection (3), subsection (1) has effect despite the making, after the making of the administrative assessment, of an amendment under the *Income Tax Assessment Act 1936* to the relevant assessment of the person's taxable income under that Act (whether or not the amendment is made because of an objection, appeal or review in relation to the assessment).

"(3) Subsection (2) does not apply in relation to the person if the amendment is made under subsection 170 (2) (Amendment of assessments where no full and true disclosure) of the *Income Tax Assessment Act 1936* or under a provision of that Act, or in circumstances, prescribed for the purposes of this subsection and, where such an amendment is made, the person's taxable income under that Act for the year of income is to be taken to be, and always to have been, the person's taxable income for the year of income as last so assessed under that Act.

"(4) Where:

- (a) the Registrar, applying subsection (1), assesses the annual rate of child support payable by a liable parent to a custodian entitled to child support

'(6) Nothing in an Act of which the Commissioner has the general administration is to be taken to prohibit the Commissioner, a Second Commissioner, a Deputy Commissioner, or a person authorised by the Commissioner, a Second Commissioner or a Deputy Commissioner, from divulging or communicating any information to a person performing, as a person to whom this section applies, duties under or in relation to this Act for the purpose of enabling the person to perform the duties.

'(7) Nothing in an Act of which the Commissioner has the general administration is to be taken to prohibit the Commissioner, a Second Commissioner, a Deputy Commissioner, or a person authorised by the Commissioner, a Second Commissioner or a Deputy Commissioner, from:

- (a) divulging or communicating to a court any information obtained under or for the purposes of such an Act; or
- (b) producing in court a document obtained or made under or for the purposes of such an Act;

where it is necessary to do so for the purpose of carrying into effect the provisions of this Act.

'(8) A person to whom this section applies must, if and when required by the Registrar or a Deputy Registrar to do so, make an oath or declaration, in a manner and form specified by the Registrar in writing, to maintain secrecy in accordance with this section.

'(9) This section has effect subject to subsection 64 (11B) of the *Family Law Act 1975*.'

Liabilities in relation to children that are registrable maintenance liabilities

"110. Section 17 of the Principal Act is amended by adding at the end the following subsection:

'(2) Subject to section 19, a liability is a registrable maintenance liability if it arises under a child support assessment.'

Exclusion of liabilities by regulation

"111. Section 19 of the Principal Act is amended:

- (a) by inserting in subparagraph (2) (b) (i) 'assessments,' after 'when the';
- (b) by inserting in subparagraph (2) (b) (iv) 'section 88 of the *Child Support (Assessment) Act 1989* or' after 'made under'.

Payer and payee to notify Registrar when registrable maintenance liability arises etc.

"112. Section 23 of the Principal Act is amended by inserting in paragraph (1) (a) 'the *Child Support (Assessment) Act 1989*,' after 'under'.

"113. After section 24 of the Principal Act the following section is inserted:

Registrar to register liability in Child Support Register on making of child support assessment

'24A. (1) Subject to subsection (2), where the Registrar makes a child support assessment under which a registrable maintenance liability arises, the Registrar must immediately register the liability under this Act by entering particulars of the liability in the Child Support Register.

'(2) Subsection (1) does not apply in relation to a registrable maintenance liability if:

- (a) the payee is not in receipt of an income tested pension, allowance or benefit at the time the assessment is made; and
- (b) the payee elected in the relevant application for assessment of child support or the relevant application for acceptance of a child support agreement, as the case requires, not to have the liability enforced under this Act.'

Particulars of liability to be entered in Child Support Register

"114. Section 26 of the Principal Act is amended:

- (a) by inserting in paragraph (1) (c) 'child support assessment,' before 'court order' (first occurring);

(b) by inserting in paragraph (1) (c) 'assessment,' before 'court order' (last occurring);

(c) by inserting in paragraph (1) (c) 'assessment,' after 'first-mentioned'.

Single entry in relation to all liabilities with same payer and payee

"115. Section 27 of the Principal Act is amended by inserting 'child support assessment,' before 'court order'.

Day on which liability first becomes enforceable under Act

"116. Section 28 of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

'(ba) if the liability arose under a child support assessment and is registered under subsection 24A (1)—the day on and from which child support is payable under the assessment;'

Payee to notify Registrar of court order varying registered maintenance liability etc.

"117. Section 33 of the Principal Act is amended by inserting in paragraph (1) (a) 'the *Child Support (Assessment) Act 1989*,' after 'under'.

Payee to notify Registrar of happening of affecting event

"118. Section 34 of the Principal Act is amended by adding at the end the following subsection:

'(4) This section does not apply in relation to a liability that arises under a child support assessment.'

Payer may apply to Registrar for variation of Child Support Register

"119. Section 35 of the Principal Act is amended by adding at the end the following subsection:

'(3) This section does not apply in relation to a liability that arises under a child support assessment.'

Registrar may vary Child Support Register to give effect to court order etc.

"120. Section 37 of the Principal Act is amended by inserting in paragraph (a) 'the *Child Support (Assessment) Act 1989*,' after 'under'.

"121. After section 37 of the Principal Act the following section is inserted:

Registrar to vary Child Support Register on amendment of child support assessment

'37A. Where the Registrar amends a child support assessment under which a registrable maintenance liability arose, the Registrar must immediately make such variations (if any) to the particulars entered in the Child Support Register in relation to the liability as the Registrar considers necessary or desirable to enable the amendment to be given effect to under this Act.'

Jurisdiction of courts under Act

"122. Section 104 of the Principal Act is amended:

(a) by omitting from subsections (1), (2), (3) and (5) 'subsections 44 (2) and (3) and 88 (1)' and substituting 'this Act';

(b) by omitting from subsection (7) 'subsection 44 (2) or (3) or 88 (1)' and substituting 'this Act'.

Application of Family Law Act

"123. Section 105 of the Principal Act is amended:

(a) by inserting in subsection (1) '(other than proceedings under subparagraph 113 (c) (i))' after 'under this Act';

(b) by inserting after subsection (1) the following subsection:

'(1A) In the application of subsection (1) to proceedings under this Act in relation to a child, references in paragraphs (1) (a) to (e) (inclusive) to the *Family Law Act 1975* are to be taken to be references to Part VII of that Act.'

Appellate jurisdiction of Family Court under Act

"124. Section 106 of the Principal Act is amended by omitting from subsection (1) 'subsections 44 (2) and (3) and 88 (1)' and substituting 'this Act'.

Appeals to Family Court under Act

"125. Section 107 of the Principal Act is amended:

- (a) by omitting from subparagraph (1) (b) (ii) 'a' (first occurring) and substituting 'the';
- (b) by inserting after subsection (1) the following subsection:
'(1A) An appeal lies, with the leave of a Full Court of the Family Court, from a decree or decision of a Judge exercising original or appellate jurisdiction under this Act rejecting an application that he or she disqualify himself or herself from further hearing a matter.';
- (c) by inserting in subsection (2) 'or (1A)' after 'subsection (1)';
- (d) by inserting in subsection (3) 'or decision' after 'decree' (wherever occurring).

Appeals from courts of summary jurisdiction

"126. Section 110 of the Principal Act is amended by omitting from subsection (1) 'subsection (2)' and substituting 'subsections (2) and (5)'.

Recovery of debts

"127. Section 113 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraphs:

- '(b) may be sued for and recovered by the Registrar or a Deputy Registrar suing in his or her official name; and
- (c) may be recovered in:
 - (i) a court having jurisdiction for the recovery of debts up to the amount of the debt; or
 - (ii) a court having jurisdiction under this Act.'

Order to comply with requirement

"128. Section 121 of the Principal Act is amended by omitting from paragraphs (1) (a) and (b) '120 (1)' and substituting '120 (3)'.

"PART 9—AMENDMENTS OF THE FAMILY LAW ACT 1975**Principal Act**

"129. In this Part, 'Principal Act' means the *Family Law Act 1975*.

Certain proceedings to be instituted only under Part

"130. Section 63A of the Principal Act is amended by adding at the end the following subsection:

'(2) Subsection (1) does not apply in relation to the institution of proceedings under the *Child Support (Assessment) Act 1989*'.

"131. After section 66B of the Principal Act the following section is inserted:
Application of Division to children to whom Child Support (Assessment) Act applies

'66BA. A court having jurisdiction under this Part must not, at any time, make, revive or vary an order for the maintenance of a child on the application of a person (in this section called the "applicant") against a person (in this section called the "respondent") if an application could properly be made, at that time, under the *Child Support (Assessment) Act 1989* by the applicant for administrative assessment of child support (within the meaning of that Act) for the child seeking payment of the child support from the respondent (whether or not such an application has in fact been made by the applicant or another person).'

Matters to be taken into consideration in relation to spousal maintenance

"132. Section 75 of the Principal Act is amended:

- (a) by omitting from paragraph (2) (n) 'and';
- (b) by inserting after paragraph (2) (n) the following paragraph:
'(na) any child support under the *Child Support Assessment Act 1989* that a party to the marriage has provided, or is to provide, for a child of the marriage; and'.

Alteration of property interests

"133. Section 79 of the Principal Act is amended:

- (a) by omitting from paragraph (4) (e) 'and';

(b) by adding at the end the following word and paragraph:

‘; and (g) any child support under the *Child Support (Assessment) Act 1989* that a party to the marriage has provided, or is to provide, for a child of the marriage.’

Registered maintenance agreements

“134. Section 86 of the Principal Act is amended by inserting after subsection (3A) the following subsection:

‘(3B) Where:

- (a) a maintenance agreement is, at any time, registered under subsection (1); and
- (b) the maintenance agreement makes provision for the maintenance of a child; and
- (c) an application could properly be made, at that time, under the *Child Support (Assessment) Act 1989* by one of the parties to the agreement for administrative assessment of child support (within the meaning of that Act) for the child, seeking payment of the child support by the other party to the agreement (whether or not such an application has in fact been made by the party or by another person);

the maintenance agreement, so far as it makes provision for the maintenance of the child, has no effect and is not enforceable in any way.’

Operation of maintenance agreements entered into in substitution for rights under Act

“135. Section 87 of the Principal Act is amended by inserting after subsection (4C) the following subsection:

‘(4D) Where:

- (a) a maintenance agreement that makes provision as mentioned in subsection (1) is, at any time, approved by the court; and
- (b) the maintenance agreement makes provision for the maintenance of a child; and
- (c) an application could properly be made, at that time, under the *Child Support (Assessment) Act 1989* by one of the parties to the agreement for administrative assessment of child support (within the meaning of that Act) for the child seeking payment of the child support by the other party to the agreement (whether or not such an application has in fact been made by the party or by another person);

the maintenance agreement, so far as it makes provision for the maintenance of the child, has no effect and is not enforceable in any way.’

“PART 10—AMENDMENTS OF THE SOCIAL SECURITY ACT 1947

Principal Act

“136. In this Part, ‘Principal Act’ means the *Social Security Act 1947*’.

Interpretation

“137. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definitions:

“‘child support’ means financial support under the *Child Support (Assessment) Act 1989*, including financial support by way of lump sum payment or by way of transfer or settlement of property;

“‘maintenance’ includes child support;’.

Secrecy

“138. Section 19 of the Principal Act is amended by inserting after subsection (5) the following subsection:

‘(5A) Nothing in this section is to be taken to prevent a person from divulging or communicating information to another person if the information is divulged or communicated for the purposes of the *Child Support (Registration and Collection) Act 1988* or the *Child Support (Assessment) Act 1989*.’

**“PART 11—AMENDMENT OF THE TAXATION ADMINISTRATION
ACT 1953**

Principal Act

“139. In this Part, ‘Principal Act’ means the *Taxation Administration Act 1953*’.

Application of Subdivision in relation to Child Support Acts

“140. Section 8WD of the Principal Act is amended by omitting ‘*Child Support Act 1988*’ and substituting ‘*Child Support (Registration and Collection) Act 1988* and the *Child Support (Assessment) Act 1989*’.”.

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

Bill to be reported with amendments.

The House resumed; Mr Mountford reported accordingly.

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

25 COMMONWEALTH AND COMMONWEALTH INSTRUMENTALITIES (APPLICATION OF LAWS) BILL 1989: 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 adjourned. (Mr N. A. Brown), and the resumption of the debate made an order of the day for the next sitting.

26 APPROPRIATION BILL (NO. 1) 1989-90—BUDGET DEBATE: 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.

27 ADJOURNMENT: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—Madam Speaker adjourned the House until Tuesday, 29 August 1989, at 2 p.m., in accordance with the resolution agreed to this day.

PAPERS: The following papers were deemed to have been presented on 17 August 1989:

Acts Interpretation Act—Statement relating to failure to furnish report within specified period—Christmas Island Services Corporation—Report for 1987-88.

Defence Act—Determinations under section 58B—1989—

No. 112—Post Allowance—Jeddah and Riyadh.

No. 115—Temporary Rental Allowance and Temporary Accommodation Allowance.

National Water Resources (Financial Assistance) Act—Agreement relating to financial assistance to South Australia for the establishment of the Australian Centre for Irrigation Technology, dated 27 June 1989.

Proclamation by His Excellency the Governor-General fixing 1 September 1989 as the date on which section 18 of the *Defence Legislation Amendment Act (No. 2) 1988* shall come into operation.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Connolly, Mr Halverson, Mr Millar, Mr Punch and Mr White.

A. R. BROWNING
Clerk of the House of Representatives